

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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CASE NO. 22-11285-BB

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CIERRA GETER,

*Plaintiff-Appellant,*

v.

SCHNEIDER NATIONAL CARRIERS, INC.,

*Defendant-Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
HONORABLE STEVE C. JONES  
CASE NO. 1:20-cv-01148-SCJ

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APPELLANT'S APPENDIX – VOL. V

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CIERRA GETER v. SCHNEIDER NATIONAL CARRIERS, INC.

Eleventh Circuit Court of Appeals Case No. 22-11285-BB

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Deposition of:  
**Marianne Biskey-Rose**

*April 21, 2021*

In the Matter of:  
**Geter, Cierra v. Schneider National  
Carriers Inc.**

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1 I don't know, nine to ten years maybe. And then I've  
2 been in my director of operations role for the last  
3 five, started sometime at the beginning of 2016.

4 Q. Could you tell me sort of what the  
5 leadership chain is in your facility? Are you the top  
6 leader in the facility?

7 A. I am. Yeah. So it's -- my role, the  
8 director of operations, and then reporting to me I  
9 have operations managers. And currently I have two.

10 And then at the time of Ms. Geter's  
11 employment we also had a support shift team leader  
12 role, and then we also have -- at that time we had  
13 area planning managers, or APMs, as well as DTLs.

14 Today we no longer have the APM roles. We  
15 do have some SOS roles in addition to the DTL role  
16 that we have. And we no longer have anybody in the  
17 support shift team leader role.

18 Q. And I think when Ms. Geter was there,  
19 there were team leads that supervised the APMs; right?

20 A. We had one team leader. And that was only  
21 on support --

22 Q. I'm sorry.

23 A. Yeah, it was on support shift. He was the  
24 only one. Otherwise, the operations managers for our  
25 first shift team would oversee the APMs and the DTLs

1 on their teams.

2 Q. And at that time, was Doug Horton an  
3 operations manager?

4 A. He was.

5 Q. So was he the person that Travis Torrence  
6 reported directly to?

7 A. Yes.

8 Q. Okay. And Mr. Horton is no longer -- he's  
9 still with the company; right?

10 A. He is.

11 Q. He's just not in --

12 A. He works in a different department. He  
13 works in a different department, and he works  
14 remotely.

15 Q. Got it. And I think you said you have two  
16 operations managers now. That's Travis Torrence and  
17 Rodney Dunn?

18 A. That's correct.

19 Q. And just so that the record is clear, APM  
20 stands for area planning manager; right?

21 A. That is correct.

22 Q. And DTL is a driver team lead; right?

23 A. That is correct.

24 Q. And SOS is -- what is it? I'm drawing a  
25 blank.

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1 case.

2 How did you learn that Ms. Geter needed  
3 FMLA in the fall?

4 MR. MILIANTI: Just --

5 Q. (By Ms. Legare) The second time in 2018.

6 MR. MILIANTI: Thank you.

7 MS. LEGARE: Sorry.

8 MR. MILIANTI: No. That's fine. Just a  
9 clear record.

10 THE WITNESS: I can't recall exactly. My  
11 memory is that Doug Horton let me know that, you  
12 know, she was going to be out and working with  
13 the leave team.

14 Q. (By Ms. Legare) And leave is coordinated  
15 from Green Bay; right?

16 A. That is correct.

17 Q. At some point did you learn what  
18 Ms. Geter's diagnosis was?

19 A. I did.

20 Q. When did you learn what her diagnosis was?

21 A. It was after she came back from FMLA, I  
22 believe, is when I heard from her. When she went out  
23 on FMLA and we were working with the leave team, I  
24 understood some of the circumstances behind it. But I  
25 can't say clearly if I knew what her diagnosis was at

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1 that time.

2 Q. When you say that you understood some of  
3 the circumstances behind it when you were working with  
4 the leave time, were you aware that she was suicidal?

5 A. Yes. That's what I was made aware of.

6 Q. Okay. But you didn't have any specific  
7 conversations with Ms. Geter herself at that time. Is  
8 that fair to say?

9 A. Not that I can recall.

10 Q. Okay. But you recall specifically having  
11 a conversation with her when she came back from FMLA?

12 A. I do.

13 Q. Tell me about that conversation.

14 A. Well, Cierra and I were -- we were pretty  
15 friendly. We were pretty close. We share the same  
16 birthday. We had a lot in common, and I always kind  
17 of looked at her as, you know, a younger version of  
18 myself in some regards.

19 So, you know, when she came back, I was  
20 obviously very worried about her and wanted to check  
21 in and see how she was doing.

22 So we had just, you know, some  
23 conversation, and she shared with me some of the  
24 struggles that she had been going through and kind of  
25 what her treatment process was and different things

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1 like that.

2 Q. Did she share with you that she had been  
3 assaulted in the past and was suffering from PTSD as a  
4 result of that assault?

5 A. I was aware of her assault. I don't  
6 recall a conversation regarding PTSD. I do recall us  
7 talking about her having depression and having, you  
8 know, the -- obviously the suicide attempts and some  
9 anxiety associated. But I can't specifically recall  
10 any PTSD discussions.

11 Q. Did she share with you the treatment that  
12 she was going through that resulted in her requesting  
13 an accommodation?

14 A. She did. She told me that she was  
15 seeking -- had sought out different kinds of therapy  
16 and she was doing some holistic therapies that she  
17 felt were really working for her, and she really liked  
18 the doctor and kind of the facilities that she was  
19 using.

20 And then she also mentioned that she was  
21 going to like -- I think it was a peer group therapy  
22 on Monday mornings, which is why she was unable to --  
23 to work the Sunday night shift.

24 Q. And did you play any role -- in the  
25 beginning, you know, she requested accommodations and

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1 then extended her request for accommodations. When  
2 she first requested the accommodation to work a  
3 reduced schedule, did you play any role in approving  
4 that?

5 A. Not really. So, you know, Travis was able  
6 to accommodate the leave by working the shift or, you  
7 know, working with his team when he was unable or if  
8 they were able, he was able to step in.

9 So, you know, there wasn't a whole lot  
10 involved in that decision-making since we were able to  
11 accommodate.

12 Q. But he did share with you or talk to you  
13 about it?

14 A. He did. He did.

15 Q. Did Cierra talk to you about it too?

16 A. I can't recall specifically. I would  
17 imagine she would have, but I don't remember that  
18 conversation.

19 Q. I mean, I got the impression just at some  
20 of the various depositions that the people who worked  
21 for Schneider were pretty close. Is that a fair  
22 statement?

23 A. Yeah. Especially in our office. It's  
24 small, and, you know, we kind of have worked together  
25 for a long time. So, yeah, we're fairly close.

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1 would have been?

2 A. Yes.

3 Q. Okay. Can you tell me what is your -- I  
4 understand the area planning managers were relocated  
5 to Green Bay in the spring last year; right?

6 A. That's correct.

7 Q. Tell me what you remember about that  
8 process. And, actually, let me ask you one question  
9 first. That decision was made, at least started,  
10 pre-Covid; right?

11 A. Correct, yes.

12 Q. But it just happened to coincide, sort of?

13 A. Yes, sort of. So the decision was made by  
14 our leadership team in Green Bay. Well, I was made  
15 aware of the decision sometime in the fall of 2019.

16 And so kind of the way the process worked  
17 was, you know, I understood that all of the dispatch  
18 APMs on all shifts would be relocated to Green Bay.

19 And so I had to look at our team and  
20 determine if anybody was, you know, willing or able or  
21 wanting to relocate to Green Bay.

22 And then those that were left, I knew I  
23 was going to have to build a -- we would still need a  
24 support shift team. So we would still need the  
25 assistance on second and third shift in order to

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1 assist our drivers.

2 So I had to look and see -- unfortunately,  
3 that was a -- it was not an equal move for those  
4 associates. So they were salaried employees, and they  
5 moved to an hourly position through that transition.

6 So not everybody was willing to, first of  
7 all, change the work because the APM role is very  
8 different than the SOS role in a lot of cases.  
9 Although, less so for our second and third shift folks  
10 because they were already doing some of the SOS work  
11 that we now just have today.

12 Whereas the first shift APMs weren't doing  
13 that work on a regular basis as part of their  
14 day-to-day.

15 So some of the first shift APMs had  
16 decided that, you know, it was not a position that  
17 they wanted to move into. We -- so we looked at all  
18 of the staff and said, you know, hey, are you  
19 interested in taking on one of these positions? We  
20 looked at performance to see if there was anybody that  
21 wasn't a good fit and that we no longer wanted to keep  
22 within the organization.

23 And then we had some additional moves that  
24 were taking place on our team; so we were able to move  
25 some folks into DTL roles.

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1                   So I think in the end we had, I don't  
2 know, maybe five or six that we were able to keep  
3 within the organization. We had one person that  
4 relocated to Green Bay, and the rest either were in  
5 DTLs or SOS roles. And then we probably had roughly  
6 the same amount that are no longer with the  
7 organization.

8                   Q. So were there any people who moved to  
9 Green Bay?

10                  A. Yes. We had one associate that moved to  
11 Green Bay.

12                  Q. And who was that?

13                  A. His name is Austin Oddender.

14                  Q. And was anyone -- I understand that  
15 everyone was offered the opportunity to transfer to  
16 Green Bay if they wanted; right?

17                  A. That's correct. We also tried to find  
18 roles within the organization at either locally or in  
19 different parts of the country. You know, some people  
20 are willing to relocate to other areas.

21                  And so, you know, we did try to find other  
22 positions within the organization for associates that  
23 wanted to stay but didn't want to move into the SOS  
24 role or didn't want to relocate to Green Bay.

25                  Q. Were any of the APMs -- excuse me.

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1 Because I think you said you looked at performance and  
2 whether they would be a fit in some of these roles,  
3 was there anyone that you just let go without  
4 offering --

5 A. Not an APM. We had a DTL that we let go.  
6 And so then we were able to backfill that role with  
7 one of the APMs, but he was not an APM.

8 Q. Who is the DTL that you let go?

9 A. His name was Quincy.

10 Q. And then I think was it Sara Kopf who was  
11 promoted to DTL?

12 A. She was promoted to a DTL on first shift,  
13 but she was replacing a DTL that moved over to  
14 customer service by the name of Shannon Bailey. So  
15 Robert Turner took Quincy's position.

16 Q. So is it true then that Sara's move to a  
17 DTL position, I think she perceived it as a promotion.  
18 Is it a promotion?

19 A. Technically it's not. So an APM and a DTL  
20 are both level one manager roles. So technically, no,  
21 it would be a lateral move.

22 Q. And would her move have happened  
23 regardless of the APM move?

24 A. Yes.

25 Q. So are there two driver team leads, or are

Page 22

1 there more than two?

2 A. That moved from APM roles?

3 Q. Just in total that work.

4 A. Oh, there are more than two.

5 Q. Okay. And I think I may have  
6 misunderstood something you said. So the driver team  
7 lead role is still a salaried role?

8 A. Yes.

9 Q. So the hourly role was the SOS position?

10 A. That's correct.

11 Q. Is that considered a demotion for the  
12 people who took it?

13 A. Technically it is because, you know, they  
14 are going from a salary to an admin role. And their  
15 scope of work is reduced. So technically, yes, it's  
16 seen as a demotion, but it wasn't a demotion based on  
17 performance like typical demotions are.

18 Q. Right. And I think probably for some  
19 people and I got the sense from Ms. Kitchens it was,  
20 like, I was just happy to have a job in Covid.

21 A. Yeah. Some people. But, you know, these  
22 discussions started well before Covid.

23 Q. Right.

24 A. So, you know, there were some people that  
25 made the decision to not take the role before Covid

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1 was even an issue or even a known entity. So --

2 Q. And for the people who left that didn't --  
3 decided not to take the role, they got a severance  
4 package; right?

5 A. They did.

6 Q. Do you know what the severance package  
7 was? Was it based on years of service?

8 A. It was based on years of service, but I  
9 don't remember all the specifics of it.

10 Q. And so the title was SOS that people  
11 took --

12 A. Correct.

13 Q. -- right?

14 A. Well, I say that. I don't know if we  
15 changed it from IOS to SOS at that time or if that was  
16 done at a later time. But it's the same role.

17 Q. So IOS was a position that existed prior  
18 to the decision to move the APMs to Green Bay?

19 A. Yes. But we didn't have them on our  
20 second and third shift.

21 Q. So they only worked first shift?

22 A. At that time I'm not even sure we had any  
23 on first shift. But it was a position within the  
24 organization.

25 Q. So you added more of this position once

Page 25

1 five?

2 A. Yeah. Well, yes. So we have -- we have  
3 had six for probably almost the last year, but we were  
4 at five prior to that. And we will be back up at six  
5 once we hire a replacement.

6 Q. And if Ms. Geter had still been employed  
7 with Schneider at the time of the APM move, she would  
8 have been offered the opportunity to transfer to Green  
9 Bay; right?

10 A. Yes.

11 Q. And if she had turned down a transfer to  
12 Green Bay, she would have been in the mix of the  
13 people considered for the SOS positions?

14 A. Correct.

15 Q. And is it possible, based on her tenure,  
16 that she may also have been considered for one of the  
17 DTL positions?

18 A. Yes.

19 Q. In Schneider's discovery responses,  
20 they -- the company has said that the decisions on the  
21 request for accommodation were made by you and  
22 Mr. Torrence in consultation with Ms. Janssen, Ashley  
23 Janssen.

24 Do you recall if Mr. Horton was involved  
25 in any of the decision-making around the request for

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1 accommodation?

2 A. I do not recall him being involved.

3 Q. What days of the week -- well, let me ask  
4 you this. Are there any -- actually -- I'm going in  
5 circles.

6 Did the SOS -- did the people who took the  
7 positions of SOS when APM -- the APM move happened  
8 take over some of the duties of -- the local duties of  
9 APMs?

10 A. So the traditional APM role, no. So that  
11 work was transferred to Green Bay. The work -- the  
12 additional work that our second and third shift APMs  
13 were doing as far as, you know, answering phone calls  
14 and messages and, you know, bill of ladings and all of  
15 the day-to-day activities that incur, yes, that's --  
16 that's the role that they took over. So that portion  
17 of our second and third shift role is what they  
18 currently do.

19 Q. And there's been some testimony in  
20 depositions about basically -- so the driver keys,  
21 keys for the trucks were kept behind -- in a locked  
22 office; right?

23 A. Uh-huh (affirmative).

24 Q. Are they still kept in a locked office?

25 A. They are.

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1           Q.     So during Covid while nobody -- while  
2     people were working remotely, if a driver needed a  
3     key, what did they do?

4           A.     We had to leave the office unlocked.

5           Q.     Okay. And so did you leave the office  
6     unlocked for a period of time while everyone was  
7     working from home for Covid?

8           A.     Yes.

9           Q.     And I understand from other witnesses that  
10    starting in March the company was fully remote. At  
11    some point in time people went back two days a week  
12    and three days remote, and then now as of March people  
13    are back in the office full-time; is that accurate?

14          A.     For the most part. Yeah, for the most  
15    part.

16          Q.     And I also understand that the other issue  
17    for the drivers was that the printer was in a locked  
18    office as well; right?

19          A.     That's correct.

20          Q.     But now it's been moved to the driver  
21    lounge?

22          A.     Yes.

23          Q.     Is there some reason it wasn't in the  
24    drivers' lounge the whole time?

25          A.     Well, unfortunately, with it being in the

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1       driver lounge, we don't have the same capabilities  
2       that we have with it being in the office.

3                   There's some faxing and scanning  
4       capabilities that we're having challenges with being  
5       in the driver lounge just from a technology  
6       standpoint.

7                   It's our -- also our only printer in the  
8       office. So anytime I have to print confidential  
9       information, it being in the driver lounge is not an  
10      ideal location.

11                  So that's, I think, why it's historically  
12      always been in the office area. But currently it is  
13      in the driver lounge.

14                  Q.     Do you know why corporate hasn't given you  
15      two printers? You might not. I mean --

16                  A.     I think just the cost. You know, cost and  
17      probably some, again, some of the IT challenges that  
18      we have being in a small office.

19                  We're in a trailer so it's -- you know,  
20      it's not as probably up to technical standards as, you  
21      know, a larger office would be.

22                  Q.     And I believe from what other witnesses  
23      have said that you-all have the capacity to print to  
24      the printer remotely when you're working from home;  
25      right?

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1 A. We do now, yes.

2 MR. MILIANTI: Object to the form.

3 Q. (By Ms. Legare) And currently are there  
4 specific days of the week and/or shifts where the SOSS  
5 are working alone and there aren't two of them  
6 scheduled on a shift?

7 A. Yes.

8 Q. And what are those shifts?

9 A. I'm not sure off the top of my head.

10 Q. Do they change from time to time?

11 A. The only thing that would make a change  
12 is, you know, vacations or time off or unexpected  
13 absences, that sort of thing. Otherwise, it's a set  
14 schedule.

15 Q. And there's been some testimony about your  
16 ability to use temporary employees if employees have  
17 to be out. Can you tell me how that works in  
18 Fairburn?

19 MR. MILIANTI: Just object to the form of  
20 the question.

21 THE WITNESS: Yeah. So -- sorry.

22 Q. (By Ms. Legare) You can still answer.  
23 It's okay.

24 A. Okay. We have used temp support in the  
25 past. We currently don't have anybody from a temp

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1 perspective. We've had mixed success with temps. Our  
2 systems are -- we have many of them, and they're not  
3 easy to learn, and it takes time.

4 So we only utilize a temp when we, you  
5 know, really have the need and we're going to have it  
6 for a while because of the time that it takes to get  
7 them up to speed where they can actually provide some  
8 support.

9 Q. Have you had any temps that worked  
10 part-time?

11 A. No.

12 MR. MILIANTI: Just object to the form.

13 Q. (By Ms. Legare) Or a reduced-hour  
14 schedule?

15 A. No, not that I'm aware of.

16 Q. Do you know if you could have asked -- I  
17 understand you use an agency; right?

18 A. We do.

19 Q. What's the name of the agency?

20 A. It was Kelly. Like I said, we haven't had  
21 a temp in a while. So I'm not sure if that's still  
22 the agency we use, but that was the one we were using.

23 Q. And do you know if Kelly provides  
24 part-time employment, temporary help to companies?

25 MR. MILIANTI: Object to the form.

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1 THE WITNESS: I do not know.

2 Q. (By Ms. Legare) All right. If we will  
3 look at what's marked as Exhibit 48.

4 (Plaintiff's Exhibit 48 was marked for  
5 identification.)

6 THE WITNESS: Okay. I have it open.

7 Q. (By Ms. Legare) Have you seen this  
8 document before, Ms. Biskey-Rose?

9                   MR. MILIANTI: I'm sorry. I don't have 48  
10                 on my list. Can you just tell me what it is,  
11                 Cheryl?

12 MS. LEGARE: It's the flexible work  
13 policy. Are you not in Exhibit Share, Pete?

14 MR. MILIANTI: I am, but for some reason  
15 mine stop at 47.

16 MS. LEGARE: Refresh your screen. It will  
17 probably pop up because I added it, like, right  
18 before we started.

19 MR. MILIANTI: Got it. Thank you.

20 MS. LEGARE: You're welcome. Sorry about  
21 that.

22 MR. MILIANTI: No. That's fine.

23 MS. LEGARE: I was out of the office when  
24 I got it yesterday; so --

25 MR. MILIANTI: No problem.

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1                   THE WITNESS: So I'm sure I have seen it,  
2                   but it isn't something I recall.

3                   Q.     (By Ms. Legare) What is your --

4                   A.     I can't say --

5                   Q.     Oh, go ahead.

6                   A.     I can't say definitively that I've seen  
7                   this.

8                   Q.     Okay. What is your understanding about  
9                   working from home for people in the Fairburn office?

10                  A.     Well --

11                  Q.     And hold on. I need to put this on --  
12                  before Covid, obviously.

13                  A.     Yes. So, you know, we try our best to  
14                  work with our associates and be flexible. So, you  
15                  know, if somebody has something last minute that's  
16                  come up, like a sick child or someone at home that  
17                  they need to be there for or a doctor's appointment,  
18                  then we've allowed some flexibility to work from home.

19                  But it's always kind of been a one-off  
20                  situation and not an ongoing request.

21                  Q.     Were you aware that Tiffany Kitchens  
22                  worked, actually, from the emergency room is what she  
23                  said on -- or, sorry, from the hospital, and she made  
24                  it sound to me like for around four months in 2018 and  
25                  2019?

1           A. Yes. Tiffany did. She had some  
2 intermittent FMLA in order to care for her mother who  
3 was in the hospital. So she did work from home or the  
4 hospital, depending on where her mother was at the  
5 time in order to assist with her but then also to  
6 assist with the team and the workload that we had.

7                 But it was not an every day working from  
8 the hospital or from home. It was as needed. She  
9 shared some of the responsibilities with her dad in  
10 order to care for her mom.

11                 So we were, you know, working with her and  
12 through the FMLA process for her to do that work.

13           Q. So she said she didn't actually end up  
14 using her intermittent FMLA. Is that your  
15 recollection?

16           A. It's not. But I wouldn't know for certain  
17 how many days she used.

18           Q. And, rather, her recollection was that she  
19 worked from the hospital every day for about four  
20 months. Did you know that that was going on?

21                 MR. MILIANTI: I'm just going to object.  
22 I think that misstates Ms. Kitchens' testimony.  
23 But go ahead.

24                 THE WITNESS: No, I don't believe that to  
25 be the case.

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1 Q. (By Ms. Legare) So even if she says it  
2 is, you're saying you didn't know that it was?

3 MR. MILIANTI: Same objection.

4 THE WITNESS: That's not what my memory is  
5 of the situation.

6 Q. (By Ms. Legare) Did you approve her work  
7 from home, or was that just with Rodney Dunn?

8 A. That would be Rodney.

9 Q. Okay. Let's see. I will tell you what I  
10 am not going to do is show you a lot of emails that  
11 you're not cc'd on.

12 But I am assuming that Mr. Torrence was  
13 keeping in communication with you about Ms. Geter's  
14 needs for accommodations; right?

15 A. Correct.

16 Q. And Ms. Geter herself may have spoken with  
17 you about them?

18 A. Yes. That's correct.

19 Q. I'm looking -- and you're not really not  
20 cc'd -- oh, here we go. All right. If you will look  
21 at Exhibit 35.

22 (Plaintiff's Exhibit 35 was marked for  
23 identification.)

24 THE WITNESS: Okay.

25 Q. (By Ms. Legare) And it looks like -- so

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1 the time I believe it was to June 6th.

2 MR. MILIANTI: Object to the form.

3 THE WITNESS: I can't specifically  
4 remember this conference call, if that's what  
5 you're asking.

6 Q. (By Ms. Legare) Well, so do you recall  
7 having any conversations with Ms. Janssen and  
8 Mr. Torrence about Ms. Geter's need for an extended  
9 accommodation?

10 A. I do.

11 Q. Do you recall how many conversations you  
12 may have had with them about it?

13 A. I do not.

14 Q. Can you tell me what you recall talking to  
15 them about?

16 A. Yeah. We discussed, you know, her request  
17 to extend and whether or not we were able to continue  
18 to accommodate, you know, based on the business needs  
19 and our staffing level.

20 And it was determined that we could no  
21 longer accommodate, and so we discussed, you know,  
22 next steps.

23 Q. Was there any conversation about changing  
24 Ms. Geter's shift?

25 A. Yes. So we did discuss a couple of

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1 different options. One was changing shifts. We  
2 offered that up, and it's my memory that,  
3 unfortunately, she wasn't able to do that because of  
4 her doctor and group therapy sessions.

5 We also talked about a different position  
6 for her, so, like, a first shift position. I guess  
7 that would have been changing schedules kind of.

8 And then I also asked Cierra or my memory  
9 is that I asked Cierra if she could change any of her  
10 doctor schedules. So, you know, the Monday group  
11 therapy session, I asked if there was an opportunity  
12 to -- to go to a different, you know, session.

13 And my memory is that there was a  
14 different session that she could attend, but it  
15 coincided with one of her other doctor's visits. So  
16 she wasn't able to change that up.

17 Q. So you recall having this conversation  
18 with Ms. Geter?

19 A. I do.

20 Q. Were the business needs and the staffing  
21 level, did any of that have to do with an APM having  
22 to go out on maternity leave?

23 A. I'm sorry. Can you ask that question a  
24 different way maybe?

25 Q. Sure. Isn't it true that at the same time

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1 this was all going on, there was another APM who was  
2 going to be out because she was having a baby?

A. Yes. That is true.

4 Q. And is that something that affected the  
5 staffing levels at the time?

6           A.     I can't remember if Audrey was already out  
7     on maternity leave or not. So I'm not sure if it  
8     impacted staffing levels.

9 Q. And I understand that there were maybe one  
10 or two people who were brought on that Ms. Geter was  
11 training but who didn't last very long; is that true?

A. I don't recall that.

13 Q. Did you have conversations with Ms. Geter  
14 about changing her shift?

15 A. Not that I remember.

16 Q. But you thought someone may have had those  
17 conversations with her?

18 A. Yeah. I believe that Travis had those  
19 conversations, but I'm not a hundred percent positive.

20 O. Then -- let's see. Look at Exhibit 41.

21 (Plaintiff's Exhibit 41 was marked for  
22 identification.)

THE WITNESS: Okay.

24 Q. (By Ms. Legare) If you will scroll down  
25 to -- it says, Schneider 81, in the bottom, right-hand

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1 corner.

2 A. Okay. That's blank for me. Well,  
3 besides --

4 Q. Right. It's the bottom -- like, a  
5 signature block; right?

6 A. Right.

7 Q. And then just scroll up and read the  
8 conversation. I just wanted to make sure we started  
9 at the bottom of the conversation.

10 A. Okay. Okay.

11 Q. So was your understanding at the time that  
12 the decision was made to terminate Ms. Geter that she  
13 was requesting to continue to work part-time until  
14 June and then to work one day a week from home when  
15 she returned to work full-time?

16 A. I'm sorry. Could you repeat that one more  
17 time?

18 Q. Yeah. So looks like on this email what  
19 you-all were saying was you had been letting her work  
20 three days a week. We are unable to continue to  
21 accommodate a part-time schedule and that you had  
22 gotten updated information that she couldn't return  
23 full-time until June, and even then she was going to  
24 have a one-day-a-week work-from-home restriction  
25 temporarily; right?

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1 A. Yes.

2 Q. When you say business needs and staffing,  
3 what do you mean?

4 A. So just the support that we are able to  
5 give our driving associates and business. So having  
6 enough resources in order to help those problems be  
7 resolved.

8 Q. And so having her only work three days  
9 instead of four days was an issue, in your mind?

10 A. Yes. Because we needed somebody there  
11 full-time in order to meet those needs.

12 Q. Did you consider at the time getting a  
13 temporary employee to cover that day for Ms. Geter?

14 A. We discussed it, but it never was, I'll  
15 say, a viable option because of, again, the skill  
16 level that's kind of needed from a temp perspective,  
17 and it was a shift where we didn't have anybody on  
18 staff, which is why Travis was having to step in and  
19 cover it.

20 And so having a temp person take that role  
21 and be in that position is not a great solution  
22 because they'd be by themselves and not have the  
23 knowledge and background that they need in order to  
24 resolve those issues. So it wasn't a good option for  
25 us to consider.

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1 Q. Well, if you had moved Ms. Geter to a  
2 different shift, how would you have covered that time  
3 in that case?

4 A. Yeah. We -- we would have probably had to  
5 move somebody else from their shift in order to  
6 accommodate that. So we would have, you know,  
7 potentially had to offer them a different shift or,  
8 you know, potentially create a new position.

9 Q. And that's something you considered?

10 A. It's something that we would have  
11 considered if she would have been able to move it, but  
12 because it wasn't something that she could do, we  
13 didn't have to get into the details as far as what  
14 that would look like.

15 Q. And was there any consideration of putting  
16 Ms. Geter on leave until she could return to work  
17 full-time?

18 A. That would have been done -- or made by  
19 the leave team. So I don't know if they considered  
20 that or not.

21 Q. I don't think you were involved in the  
22 unemployment process for Ms. Geter; right?

23 A. I was not.

24 Q. And when she filed her EEOC charge, were  
25 you involved in any way in assisting with responding

## FLEXIBLE WORK ARRANGEMENT GUIDELINES

### DESCRIPTION

A Flexible Work Arrangement describes a work arrangement other than full time on-site, that has been agreed to by the associate and leader, and continues to meet the business needs of the position.

Flexible work arrangements can:

- Increase productivity
- Increase associate job satisfaction
- Improve associate retention
- Reduce absenteeism
- Allow for greater flexibility in scheduling associates to meet business needs
- Save valuable workspace
- Expand the pool of potential job candidates

While flexible work arrangements must meet business needs, they also allow associates to balance their work responsibilities and personal lives at the same time. Flexible work arrangements are at the sole discretion of Schneider.

### PRINCIPLES

Based on the benefits to the organization and associates, Schneider supports flexible work arrangements and manages them under the following guiding principles:

- The arrangement must be a win-win situation for the organization and associate in that it meets both business and associate needs. An arrangement may be ended if the needs of the business or associate change. Flexible work arrangements are at the sole discretion of Schneider.
- Flexible work arrangements require a relationship of trust and mutual respect between an associate and leader.
- An associate being considered for a flexible work arrangement must currently be a good performer and must maintain a high level of performance during the flexible work arrangement.
- Each arrangement will be evaluated on its own merits taking into account the needs of the business and associate on a case-by-case basis.
- Consideration for flexible work arrangement is open to both exempt and non-exempt associates.
- Unsuccessful arrangements will not preclude associate participation in similar programs in the future.
- Flexible work arrangements will not be used to solve performance issues.
- The benefit to the organization should outweigh the cost, if any, of implementing the arrangement. At worst, the arrangement should be cost neutral.

## SCHNEIDER GUIDELINE/ FLEXIBLE WORK ARRANGEMENT

### TYPES

Types of flexible work arrangements include:

- Compressed work week
- Flexible start/end times
- Job share
- Part-time
- Telecommuting – There are additional guidelines and an agreement required to be signed if Telecommuting is the primary work schedule. Please talk with your leader for more information. Leaders, you can find additional resources on the LRG.

### CONSIDERATIONS

1. Which flexible work arrangement meets the needs of the business and associate? Is the associate's need for a flexible work arrangement temporary?
2. What work does the associate perform?
  - What are the needs of internal and external customers?
  - What are the needs of co-workers?
  - What are the needs of direct reports and leaders?
3. Can the arrangement be structured so that it is transparent to external and internal customers?
  - Are there certain days or hours of work that are critical to meeting the above needs?
  - Is the associate flexible to changes in the arrangement for critical meetings or emergencies?
  - How will the associate identify and cover critical needs or emergencies when out of the office?
4. Is the associate likely to be successful in the flexible work arrangement?
  - Is the associate a proven performer with a strong performance track record?
  - Is there a high degree of trust between the associate and leader(s)?
  - Does the associate have a strong commitment to make the arrangement work from a business and personal perspective?
5. How will the associate and leader ensure productivity?
  - How will productivity be measured in the flexible work arrangement?
  - What productivity standards exist?
  - Is it possible that productivity may even increase?
6. How will the arrangement be communicated?
  - Who will communicate it and how?
  - Who needs to know of the arrangement?
7. How will the flexible work arrangement be evaluated?
  - What is the appropriate trial period?
  - How often should evaluations be scheduled during and after the trial period?
  - Will feedback from others be solicited?

## SCHNEIDER GUIDELINE/ FLEXIBLE WORK ARRANGEMENT

### ACCOUNTABILITY: ORGANIZATION

The organization's accountability for the planning, implementation and evaluation of flexible work arrangements, includes the following:

- Provide and communicate flexible work arrangement guidelines
- Support equipment and other resource needs, as appropriate
- Demonstrate flexibility to associate needs
- Support leaders implementing flexible work arrangements

### ACCOUNTABILITY: LEADER

The leader's accountability for the planning, implementation and evaluation of flexible work arrangements, includes the following:

- Consider each flexible work arrangement proposal on its own merits.
- Predetermine trial period. Set objectives and performance standards to determine success.
- Actively participate and support the planning, implementation and evaluation of flexible work arrangements.
- Ensure that an appropriate balance exists between business and associate needs.
- Focus on productivity and results of associates versus "face time".
- Consider associate input in determining the needs and terms for the flexible work arrangement.
- Ask for advice and guidance from your HR Business Partner or others who have implemented similar arrangements.
- Be open minded and supportive of associates working a flexible arrangement.
- If multiple requests are received at the same time, evaluate each request on its own merit.

### ACCOUNTABILITY: ASSOCIATE

The associate's accountability for the planning, implementation and evaluation of flexible work arrangements, includes the following:

- Think through which option makes sense and whether that option meets business needs as well as personal needs.
- Consider how the arrangement may impact his/her work and the work of colleagues.
- Submit written request to leader including the items listed in Request Process below.
- Follow normal administrative requirements such as recording of hours worked, scheduling time off, performance appraisals.
- Keep leader informed of changes or issues that may impact the effectiveness of the arrangement.
- Meet all the requirements of the job and the flexible work arrangement.
- Be flexible in the work arrangement.
- Acknowledge that at times it may be necessary to work outside the parameters of the flexible work arrangement.
- Inform others within the organization of the work schedule and who to contact outside of those hours (email and audix messages, etc.).

## SCHNEIDER GUIDELINE/ FLEXIBLE WORK ARRANGEMENT

### FLEXIBLE WORK ARRANGEMENT MANAGEMENT

To ensure the success of a flexible work arrangement, leaders should:

- Provide appropriate and timely feedback.
- Manage by measuring results; not “face time”.
- Communicate regularly. Schedule regular business partnerships.
- Expect changes, as the arrangement is refined.
- Be flexible and creative to achieve optimum results from the arrangement.
- Delegate assignments appropriately among associates working a traditional schedule and those working a flexible arrangement.
- Develop the associate working a flexible arrangement. Take time to plan.
- Plan meetings, when possible, at times when associates working flexible arrangements can attend.
- Remember that one unsuccessful flexible arrangement does not mean all arrangements will fail.
- Be prepared if the arrangement does not work to change the arrangement or to have the associate return to a traditional work schedule.
- Help the associate remain visible. Recognize the associate’s contributions.

### REQUEST PROCESS

1. Associate requests for flexible work arrangements should follow this process: Associate submits a written proposal to his/her leader including, at a minimum, the following:
  - Name/role of associate
  - Type of flexible work arrangement requested
  - Proposed start date
  - Defined trial period
  - Detailed work schedule including hours and days of week
  - Description of how arrangement matches the needs of the business unit
  - Description of how job duties will be accomplished under arrangement
  - Advantages of request from a business perspective
  - Disadvantages of request from a business perspective
  - Process to address and resolve disadvantages
  - Process to meet the needs of customers and colleagues
  - Equipment and supplies needed, if applicable
  - Work location, if applicable
  - Productivity measurements
  - Anticipated issues to be resolved
2. Leader reviews proposal and meets with associate to discuss the flexible work arrangement proposal.
3. Leader and associate discuss terms and conditions of the arrangement. If the arrangement is not workable, the reasons should be discussed with the associate.
4. Leader and associate prepare a written document describing the terms and conditions. (If Telecommuting is the primary work schedule, there is a separate agreement that needs to be signed. Leaders, please refer to the LRG for that agreement.)
5. Arrangement is communicated to others, as appropriate.

## SCHNEIDER GUIDELINE/ FLEXIBLE WORK ARRANGEMENT

6. Leader makes update in HR System (EBS), if appropriate.

### FOR MORE INFORMATION

Leaders should guide and support associates through the process of assessing the feasibility, implementation and evaluation of flexible work arrangements. If you have questions regarding this process, contact your HR Business Partner.

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# REMOTE WORK POLICY

## DESCRIPTION

“Remote Work” is a work arrangement that, if leader-approved, allows an associate to consistently conduct work from home or in a remote location for all or part of the associate’s workweek. This Policy, however is not intended to apply to situations where associates work from home in remote locations on an occasional, inconsistent, or temporary basis.

## PRINCIPLES

### Compensation and Work Hours

The associate’s compensation, benefits, work status and work responsibilities (including core hours/availability) will not change as a result of Remote Work arrangement.

The amount of time an associate is expected to work per day or pay period will not change as a result of the Remote Work arrangement.

Non-exempt associates must accurately record all of the time they work regardless of the physical location where the work is performed, per Schneider’s Timecard Reporting Policy. At the end of each pay period non-exempt associates are required to certify that they have completely and accurately logged all hours worked during that pay period.

Non-exempt associates must also take all required meal and rest breaks in compliance with applicable law.

### Equipment/Tools

For remote work, the associate and Leader shall determine the minimum equipment and software necessary for the associate to complete assignments from the remote location in a timely, efficient, and professional manner. The Company will provide such necessary equipment, as applicable.

For approval of a remote work arrangement, the associate needs to have an internet connection and should ensure that the connection provides adequate speed and quality to efficiently complete their duties.

Only authorized Schneider associates may use equipment, software, and data supplies provided by the Company to the associate for business use at the remote work location. The Company will provide for repairs to Company equipment.

All work conducted for or relating to Schneider, regardless of location, is subject to and covered under Schneider’s technology policies and guidelines.

### Expense Reimbursement

Eligible expenses, if any, will be reimbursed in alignment with Schneider’s Associate Expense Reporting and Reimbursement Policy. Eligible expenses and amounts, if any, will be detailed in the associate’s Remote Work Acknowledgement.

## **REMOTE WORK POLICY (CONTINUED)**

### **Workspace**

Any Remote Work subject to this policy should be performed in a separate, designated workspace, clearly distinguishing between work and personal space. The associate shall maintain this workspace in a safe condition.

An associate working remotely is responsible for providing office furniture for his or her home office.

Any Company materials, documents, data, and/or information taken home are subject to the Non-Disclosure & Developments Agreement.

Remote Workers are never allowed to host in-person business visits or meetings in the associate's home. All in-person meetings with business customers, vendors, or co-workers must be conducted at a Schneider facility, a customer facility, or in an appropriate public place (e.g. a restaurant, coffee shop). Remote Work, however, shall not be performed in a public place unless adequate steps are taken to protect the confidentiality of any work-related discussions and Company materials.

The associate's home address in our HR system will be their primary remote work location. Leader's approval of continued remote work arrangement is required if the associate changes their state of residence.

### **Professionalism**

At Schneider we strive for a professional workplace where our associates can be comfortable and enjoy the atmosphere while they deliver value to the business. Due to this, associates working remote are expected to abide by our Smart Casual Dress Code Policy. Associates should also ensure they have a professional Schneider background as they are conducting internal and external video calls.

### **Office Supplies**

Office supplies will be provided to associates by the Company as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior authorization from the associate's leader.

### **Worker's Compensation**

Any work-related injuries incurred by associates while performing Remote Work will be covered under Schneider's workers' compensation insurance. However, workers' compensation insurance coverage is limited to injuries that result directly from an associate's work and will only be covered if the associate's injury occurs in the designated work area during the associate's work hours. Any claims for work-related injuries incurred while an associate is performing Remote Work will be handled according to the normal procedure for Workers' Compensation claims. Associates *must immediately report* any work-related injuries to their leader and by calling TriageNow at 855-244-0164 (in situations where an associate has already received medical treatment the associate should call 920-592-2700).

### **Liability**

The Company is not liable for loss, destruction, or injury that may occur in or to the associate's home. This includes family members, visitors, or others that may become injured within or around the associate's home.

## REMOTE WORK POLICY (CONTINUED)

### Dependent Care

Remote Work is not a substitute for dependent care. Associates who work remote on a regular basis (full-time or part-time) must have dependent care arrangements. Regardless of the associate's scheduled hours, the associate will be expected to devote his/her full work time entirely to his/her Schneider duties and will not be permitted to engage in dependent care during work hours.

Leaders may make temporary exceptions to the dependent care expectations when remote work is directed due to a natural disaster, pandemic, etc. In these instances, the company will communicate the start and end date in which this arrangement is allowed.

### Income Tax

It is the associate's responsibility to determine any income tax implications of maintaining a home office area. The Company will not provide tax guidance, nor will the Company assume any additional tax liabilities. Associates are encouraged to consult with a qualified tax professional to discuss income tax implications.

### Communication

Associates must be available by phone, video conference and email during scheduled work time. Associates must also be available for staff meetings and other meetings deemed necessary by leadership. Depending on location and role, the associate may be required to travel for business partnerships, customer visits, etc. Schneider leaders, at their discretion, may require an associate (even one allowed to work remotely) to report to a Schneider location for in-person meetings or events. Remote workers must comply with such leadership directives. Failure to do so may result in the termination of the associate's Remote Work arrangement as well as other disciplinary action.

### Termination of Remote Work Arrangement

Remote Work is available only to eligible associates, at the Company's sole discretion. Remote Work is not an associate benefit, nor is it intended to be available to the entire organization. As such, no associate is entitled to, or guaranteed the opportunity to, work remotely (or to continue doing so). Schneider may end an associate's participation in the Remote Work program, with or without cause, at any time. Schneider will not be held responsible for costs, damages or losses resulting from cessation of participation in remote work.

### Company Policies, Guidelines and Key Processes

The associate remains obligated to comply with all Company policies, guidelines and key processes.

This policy does not alter the at-will nature of employment and nothing contained herein shall be construed as a contract of employment or a right to any guaranteed benefit.

## FOR MORE INFORMATION

If you have questions regarding this policy, speak with your direct Leader or contact your HR Business Partner.

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## Teleworking Guidelines

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### **Definition**

Teleworking is a work arrangement that allows an associate to consistently conduct work from home, on the road or in a remote location for all or part of the associate's workweek. Application of this guideline is not required in situations where associates work from home, on the road or in remote locations on an intermittent or inconsistent basis.

### **Overview**

Schneider considers teleworking to be a viable alternative work arrangement in cases in which the characteristics of the job lend themselves to it and the associate and leader agree that teleworking is an appropriate approach. Teleworking is a voluntary work alternative that may be appropriate for some associates and some jobs. It is not a Company-wide benefit, and it in no way changes the associate's terms and conditions of employment with Schneider. Schneider reserves the right to refuse to make teleworking available to an associate and to terminate a teleworking arrangement at any time. Schneider's guidelines for teleworking are as follows:

### **Compensation and Work Hours**

The associate's compensation, benefits, work status and work responsibilities will not change as a result of teleworking arrangement.

The amount of time the associate is expected to work per day or pay period will not change as a result of teleworking arrangement.

Non exempt associates must accurately document their hours worked per Schneider's Timecard Reporting Policy.

### **Eligibility**

Associates will be selected for teleworking based on a variety of factors, some of which include: job description, location from the office, current performance levels, and required frequency of daily communication with others located in the office, an evaluation of the likelihood of the associate being a successful teleworker, evaluation of the associate's leader's ability to manage remote workers, etc.

The arrangement must be a win-win situation for the organization and associate in that it meets both business and associate needs. An arrangement may be ended if the needs of the business or associate change. Telework arrangements are at the sole discretion of Schneider. An associate being considered for a telework arrangement must currently be a good performer and must maintain a high level of performance during the arrangement. Each department will make its own selections. All teleworkers must sign a Teleworking Agreement.

### **Equipment/Tools**

The Company may provide specific tools/equipment for the associate to perform his/her duties. This may include computer hardware, computer software, phone, email, voice-mail, connectivity to host applications, and other applicable equipment as deemed necessary.

The use of equipment, software, and data supplies when provided by the Company for use at the remote work location is limited to authorized persons and for purposes relating to Company business. The Company will provide for repairs to Company equipment. When the associate uses her/his own equipment, the associate is responsible for maintenance and repair of his/her equipment.

All work conducted for or relating to Schneider, regardless of location, is subject to and covered under Schneider's technology policies and guidelines.

### **Expense Reimbursement**

Eligible Expenses will be reimbursed in alignment with Schneider's Associate Expense Reimbursement Policy. Eligible expenses and amounts will be detailed in the associate's Teleworking Agreement.



### **Workspace**

A separate, designated workspace is required, clearly distinguishing between work and personal space. The associate shall maintain this workspace in a safe condition.

The teleworker is responsible for providing office furniture. Any Company materials taken home are subject to the Non-Disclosure & Recognition of Intellectual Property Rights Policy.

The teleworker is not permitted to hold business visits or in person meetings with business customers or co-workers at the telework site.

### **Office Supplies**

Office supplies will be provided by the Company as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the associate's leader.

### **Worker's Compensation**

The Company will be responsible for any work-related injuries under the associate's state's Workers Compensation laws, but this liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area during the associate's work hours. Any claims will be handled according to the normal procedure for Worker's Compensation claims.

### **Liability**

The Company is not liable for loss, destruction, or injury that may occur in or to the associate's home. This includes family members, visitors, or others that may become injured within or around the associate's home.

### **Dependent Care**

Teleworking is not a substitute for dependent care. Regardless of the associate's scheduled hours, the associate will be expected to devote his/her time entirely to his/her work and will not be permitted to engage in dependent care during those scheduled hours.

### **Income Tax**

It will be the associate's responsibility to determine any income tax implications of maintaining a home office area. The Company will not provide tax guidance nor will the Company assume any additional tax liabilities. Associates are encouraged to consult with a qualified tax professional to discuss income tax implications.

### **Communication**

Associates must be available by phone and email during scheduled hours, and be available for staff meetings and other meetings deemed necessary by leadership. Depending on location and role, the associate may be required to travel for business partnerships, customer visits, etc.

### **Termination of Teleworking Arrangement**

Teleworking is available only to eligible associates, at the Company's sole discretion. Teleworking is not an associate benefit intended to be available to the entire organization. As such, no associate is entitled to, or guaranteed the opportunity to, telework. Either party may terminate an Associate's participation in the program, with or without cause, upon reasonable notice, in writing, to the other party. Schneider will not be held responsible for costs, damages or losses resulting from cessation of participation in the teleworking program.

### **Company Policies, Guidelines and Key Processes**

The associate remains obligated to comply with all Company policies, guidelines and key processes. Teleworking in no way impacts at will employment.

*Owner: CAO/HR/HRLT*

*Created: 10/2014*

*Revised: 12/1/2014*

*Guideline valid date and time printed only – refer to Leader Resource Guide for current version*

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

CIERRA GETER,	) CASE NO.:
	) 20-CV-01148-SCJ-JSA
Plaintiff,	)
	)
vs.	)
	)
SCHNEIDER NATIONAL CARRIERS,	)
INC.,	)
	)
Defendants.	)
	)

---

The video conference deposition of CIERRA GETER taken pursuant to Notice and agreement of counsel for any and all purposes allowed under the Georgia Civil Practice Act; the reading and signing of the deposition is being reserved; taken before Morgan Spriggs, Certified Court Reporter and Certified Verbatim Reporter in and for the State of Georgia to commence at 10:00 A.M. on the 9th day of March, 2021. All parties completely remote.

1        were you suffering from during that time period?

2            A. In July of 2013 when I was with Brito  
3 Produce, LLC on my last run with them I was on  
4 85 south heading home on the weekend of July 4th  
5 and I was at the Love's truck stop and I was  
6 assaulted. So from that point, I didn't want to  
7 be in a truck for a while.

8            Q. When you say you were assaulted, can you  
9 provide a little bit more detail as to the type  
10 of assault?

11          A. Yes. I was at the truck stop and I was  
12 doing a walk-around. It was around about 8:00 or  
13 9:00 p.m. Eastern Standard, and I was doing a  
14 walk-around around my truck. And when I got to  
15 the back of my truck, it was a gentleman waiting  
16 there for me to try to sexually assault me and I  
17 had to fight him off physically.

18          Q. And did you contact the police?

19          A. No, because I was afraid. And at that  
20 time, I was just trying to get home and I didn't  
21 have nowhere else to go and I just wanted to get  
22 home. I was just too afraid to even do that  
23 because I was in a foreign state. So I just got  
24 in my truck and booked it, told my dispatcher  
25 when I got back -- [inaudible].

1 Q. Did you suffer any physical injuries as  
2 a result of this assault?

3 A. I had some scrapes from fighting him and  
4 a couple bruises.

5 MS. LEGARE: Pete?

6 MR. MILIANTI: Yes.

7 MS. LEGARE: Break real quick?

8 MR. MILIANTI: Yes, that's fine.

9 (Break taken from 10:52 a.m. to 10:54 a.m.)

10 BY MR. MILIANTI:

11 Q. I take it that after you suffered this  
12 assault, you stopped working for Brito Produce?

13 A. Yes.

14 Q. And you stopped working for Brito  
15 Produce because of this assault?

16 A. Correct.

17 Q. And you mentioned that you were under  
18 mental distress. What symptoms were you  
19 suffering from --

20 A. I was having --

21 Q. -- at that time?

22 A. I'm sorry. A lot of panic attacks and  
23 nightmares.

24 Q. Any other symptoms that you suffered  
25 from at that time?

1           A. I remember I had a lot of outbursts and  
2 I didn't know why. I had a lot of, like, angry  
3 outbursts.

4           Q. Did you see a healthcare provider as a  
5 result?

6           A. At that time no, because I didn't have  
7 health insurance.

8           Q. Do you recall the first time that you  
9 were treated by a healthcare provider resulting  
10 from any symptoms stemming from this assault?

11          A. I remember when I became employed with  
12 Schneider and I got my healthcare benefits I was  
13 -- I became a patient with Dr. Maria Goyco at  
14 Piedmont and I was telling her about it. Even  
15 though it was a year later, I was telling her and  
16 she -- that's when she first put me on, I  
17 believe, antidepressants around that time.

18          Q. I'm sorry. What was the name of that  
19 physician?

20          A. I'm sorry. Maria Goyco, G-o-y-c-o.

21          Q. And she's a physician at Piedmont?

22          A. Yes, sir.

23          Q. And you believe you first treated with  
24 her about a year after this assault?

25          A. Correct. Because I was explaining to

1       her the same thing I just stated to you.

2           Q. And were you suffering from panic  
3       attacks, nightmares and outbursts at the time  
4       that you saw Dr. Maria Goyco?

5           A. Correct.

6           Q. Do you know what type of physician  
7       Dr. Goyco is?

8           A. Yes. Internal medicine and family  
9       practice.

10          Q. Was she your general -- just a general  
11       practitioner?

12          A. Yes, sir.

13          Q. And you mentioned that -- I'm sorry.  
14       This would have been approximately July of 2014  
15       that you started treating with Dr. Maria Goyco?

16          A. No, not July of 2014. I got employed in  
17       2014, so my benefits did not kick in until 90  
18       days later, so that would've been an issue. But  
19       she became my physician that year, once my  
20       benefits kicked in.

21          Q. Okay. So the first time that you would  
22       have treated with Dr. Goyco was sometime in the  
23       latter half of 2014; would that be accurate?

24          A. Yes, sir. Correct.

25          Q. Okay. And at that time she put you on

1       antidepressants; is that -- is that right?

2           A. Yes, sir.

3           Q. Any other medications that you can  
4       recall that she prescribed for you as a result of  
5       the assault that you endured in -- in 2013?

6           A. Other than the antidepressants for my  
7       migraines I was starting to have, she gave me  
8       just the pain medicine for my migraines. All of  
9       those were switched over, so I can't recall all  
10      of those names of the medication right now.

11          Q. And did you start experiencing migraines  
12       as a result of the assault in 2013, or did that  
13       predate the assault?

14          A. How can I put this? They -- my episodes  
15       started again because I had cluster headaches as  
16       a teenager. So, like, my migraines and cluster  
17       headaches as a teenager, so I didn't have that  
18       until that assault occurred. Like I guess it  
19       triggered it and that's when they came back, but  
20       I did have them prior to the assault when I was a  
21       teenager.

22          Q. Okay. So if I understand correctly, as  
23       a teenager you suffered from cluster headaches.  
24       You were able to get that under control, and then  
25       they -- and the migraines started -- the episodes

1       started after the assault in July of 2013; would  
2       that be accurate?

3           A.   Yes.

4           Q.   Any other symptoms -- when did you start  
5       with the migraines -- I'm sorry -- or restart  
6       with migraines?

7           A.   Restart with the migraines? It was,  
8       like, literally, I think, around, like,  
9       September, October of 2013. I remember having  
10      one of -- a really, really bad episode. And I  
11      didn't want to go to the doctor at the time  
12      because, of course, I didn't have healthcare  
13      insurance, so I went -- just -- oh I know what I  
14      did.

15           I called the Grady Healthcare hotline here  
16      in Atlanta, the main hospital, and I just asked  
17      the nurse what I could do for a home remedy for  
18      my migraine because I couldn't even go to the  
19      doctor and they don't mind, you know, servicing  
20      the community. So I remember that.

21           Q.   So prior to the time that you started  
22      employment at Schneider in 2014, would it be  
23      accurate to say that you were suffering from  
24      panic attacks, nightmares, outbursts, and  
25      migraines?

1           A. Yes.

2           Q. Any other medical conditions from which  
3        you were suffering as a result of the assault  
4        prior to the time that you started with Schneider  
5        in 2014?

6           A. No, sir.

7           Q. And from the time of the assault in July  
8        of 2013 until the time you started at Schneider  
9        in roughly July of 2014, how frequently were you  
10      having panic attacks; do you recall?

11          A. At least -- I know for sure at least  
12      once a day. I was having them a lot. It could  
13      be one little thing and it'd set me off.

14          Q. And how frequently were you having  
15      outbursts during that time period of July 2013 to  
16      July 2014?

17          A. Quite frequent as well. Not as  
18      frequently as, like, a day-to-day thing, but I  
19      would say probably once a week, give or take,  
20      yeah.

21          Q. And from the time of the assault until  
22      the time you started at Schneider in 2014 -- July  
23      of 2014, how frequently were you having  
24      nightmares?

25          A. Weekly. Every other night, actually.

1           Q. And during the time period from the  
2 assault until the time you started at Schneider  
3 in July of 2014, how frequently were you having  
4 migraines?

5           A. Probably once a week, twice a week.

6 Once or twice a week.

7           Q. And did -- you worked at Providence  
8 Realty Group as an administrative assistant from  
9 February 2014 through May 2014; is that right?

10          A. Yes.

11          Q. And why did you only work there for a  
12 few months?

13          A. She only needed me to help her during  
14 tax season with her books and she told me to  
15 start looking for employment in April. That's  
16 why I started looking for employment and then she  
17 let me go on May 1st, because she said I no  
18 longer need you, thank you for this season, you  
19 know, so I was like, okay. I appreciate it.  
20 I've been unemployed for a while anyway, so thank  
21 you for the opportunity.

22          Q. All right. And then you started looking  
23 for a position in customer service?

24          A. Customer service and logistics as well.

25 Uh-huh. (Affirmative).

1 Schneider's website?

2 A. Yes, sir.

3 Q. All right. And do you recall the  
4 position that was open and available that you  
5 applied for?

6 A. Yes. The position at the time was a  
7 driver manager -- we were called -- we weren't  
8 called area planning managers at the time. We  
9 were called something else. I think it was,  
10 like, dispatch managers or something like that.  
11 That was the position at that time. And then,  
12 like, a year later they called us area planning  
13 managers, like they switched out titles a couple  
14 times, so -- but it's the same position as an  
15 area planning manager.

16 Q. Okay. So you saw a position listed for  
17 dispatch manager and you applied for that  
18 position; is that right?

19 A. Correct.

20 Q. Okay. All right. And did you -- how  
21 long after you -- let me strike that.

22 Were you interviewed for the position? Did  
23 you interview for the position?

24 A. Yes. I had five interviews.

25 Q. Do you recall whom you interviewed with?

1           A. Yes. I had two interviews with Greg  
2 Cochran, which was the operation manager at the  
3 time of Atlanta. And can I make a correction to  
4 the record?

5           Q. (Shakes head up and down.)

6           A. Tony was not the operation manager. He  
7 was the regional manager. He was the region and  
8 operation manager.

9           Q. Did you interview with Tony?

10          A. Yes. I had to do one interview with  
11 Tony, one interview with Marianne, and then I had  
12 to do a phone interview -- he's no longer there,  
13 but he created their software at the time they  
14 were using for dispatch. I cannot remember his  
15 name per se, but he was my last interview, and I  
16 remember it being on the phone. It was dealing  
17 with Oracle and he was the developer, so he  
18 wanted to make sure I was familiar with the  
19 software of Oracle and how Oracle is used, which  
20 I used in banking before.

21          Q. Okay. And you said that you interviewed  
22 with Marianne?

23          A. Yes.

24          Q. Do you recall Marianne's full name?

25          A. Marianne Rose -- it's hyphenated. It's

1 Marianne Biskey-Rose, I believe.

2 Q. Okay. All right. And did you interview  
3 with these folks collectively or separately?

4 A. Separately.

5 Q. And do you recall what, if anything,  
6 they told you about the specific duties for this  
7 position?

8 A. They stated that -- that they were  
9 looking for a team player, someone that is  
10 enthusiastic about learning, also someone that is  
11 willing to work under a high stress environment  
12 and be a collective team participant and  
13 eventually a leader.

14 Q. At the time that you interviewed for the  
15 position, did you understand it to be a full-time  
16 position?

17 A. Correct.

18 Q. And do you know who -- obviously you  
19 were ultimately hired into the position, right?

20 A. Yes.

21 Q. Do you know who hired you?

22 A. Yes. Greg Cochran.

23 Q. Do you know if Marianne recommended you  
24 for hire?

25 A. I do not know. They did not disclose

1 any of that type of information to me.

2 Q. Okay. If you could look at -- it should  
3 be the next document in that pile. It should be  
4 Bates-stamped Schneider 506 through 507.

5 A. Uh-huh, yes.

6 Q. Do you see that document?

7 A. Yes.

8 Q. Okay. So let's mark this as Plaintiff's  
9 Deposition Exhibit number 2. And Ms. Geter, this  
10 is the offer letter that you received from  
11 Schneider; is that correct?

12 (Plaintiff's Exhibit 2 was  
13 marked and identified.)

14 A. That is correct.

15 Q. Okay. And this document is dated July  
16 2, 2014; is that right?

17 A. Yes.

18 Q. Okay. And did you receive this document  
19 on or about that date?

20 A. Yes. Via e-mail. Uh-huh.

21 (Affirmative).

22 Q. Okay. And is that -- that's your name  
23 and address on the first page of this document?

24 A. Yes.

25 Q. Okay. And if you look under position on

Page 42

1     this first page, it says, dispatch analyst; do  
2     you see that?

3                 A.   Yes.

4                 Q.   Does that refresh your memory as to the  
5     title of the position?

6                 A.   Yes, it does. I knew it had dispatch  
7     something in it.

8                 Q.   And you said -- you testified that the  
9     title was changed to area planning manager about  
10    a year later; is that right?

11                A.   Yes, sir. Like a year to a year and a  
12    half later, they did a transition of position and  
13    titles.

14                Q.   But the job duties remained the same,  
15    just a title change; is that right?

16                A.   Correct.

17                Q.   Okay. And if you look under where it  
18    says position it says, dispatch analyst; 3rd  
19    shift; full time 40 hours per week; exempt. Do  
20    you see that?

21                A.   Yes.

22                Q.   Okay. And that was your understanding  
23    of the position for which you were hired,  
24    correct?

25                A.   Correct.

1           Q. And it says 3rd shift. Do you know --  
2 what were your hours when you first started as a  
3 dispatch analyst?

4           A. I worked from 11:00 p.m. to 7:00 a.m.  
5 and my days I worked were Wednesday through  
6 Sunday.

7           Q. Wednesday through Sunday?

8           A. Correct.

9           Q. And you worked at the Fairburn location;  
10 is that right?

11          A. Yes, sir.

12          Q. How far was that location from your  
13 home?

14          A. 6.2 miles.

15          Q. And to whom did you report when you  
16 first started?

17          A. When I first started Shawn Brantley and  
18 Greg Cochran.

19          Q. Do you recall how long you reported to  
20 those two individuals?

21          A. Shawn until he quit in February 2018.  
22 February 2018, I think that's the month he quit  
23 and the year he quit.

24          Q. That's when Shawn left Schneider?

25          A. Yes, sir. And then I believe Greg

1 like empty containers and loaded containers if  
2 they came from previous customers, we have them  
3 relay it there for another driver to pick it up  
4 to the next destination.

5 Q. Okay. We can go to the next exhibit,  
6 which I -- let's mark as Exhibit 4 and this is  
7 Bates-stamped Schneider 0092 through 0094.

8 (Plaintiff's Exhibit 4 was  
9 marked and identified.)

10 A. Yes.

11 Q. Okay. You've been -- you have in front  
12 of you what we'll mark as Plaintiff's Exhibit  
13 number 4 and it's entitled job description  
14 manager, area planning; is that right?

15 A. Yes.

16 Q. Okay. And do you recognize this  
17 document?

18 A. Yes.

19 Q. Okay. You've seen it before?

20 A. Yes.

21 Q. Okay. And this is the copy of the job  
22 description for an area planning manager; is that  
23 right?

24 A. Yes.

25 Q. And that is the position that you held

1       while employed at Schneider; is that correct?

2           A. Yes.

3           Q. Okay. And if you could just look at the  
4       job summary and read it to yourself and let me  
5       know when you're finished.

6           A. Yes.

7           Q. Okay. And does this accurately  
8       summarize your job duties as an area planning  
9       manager?

10          A. Yes, sir.

11          Q. That you will be accountable for  
12       establishing, communicating, and executing the  
13       plan for a specific geographic region or a  
14       specific customer by matching an available driver  
15       capacity and equipment with customer load  
16       tenders; is that right?

17          A. Yes.

18          Q. Okay. And did you work as an -- as an  
19       area planning manager, did you work for a  
20       specific geographic region?

21          A. I worked for Atlanta, Charlotte, Miami  
22       -- Atlanta, Charlotte, Miami, Orlando -- give me  
23       a second. I'm sorry. It's been a minute.  
24       Jacksonville. There's one more we had. And this  
25       is just since 2016?

1 Q. Yes.

2 A. Okay. Yeah. So Atlanta, Charlotte,  
3 Miami, Orlando, Jacksonville, and Savannah.

4 Q. And that's all for the intermodal  
5 division, right?

6 A. For the southeast division that I worked  
7 at, correct.

8 Q. All for the southeast intermodal  
9 division?

10 A. Correct.

11 Q. Okay. And if you -- do you see under  
12 essential job duties and responsibilities?

13 A. Yes.

14 Q. Why don't you take a look at that and  
15 let me know when you're done.

16 A. Okay. Yes.

17 Q. Okay. And as reflected in this document  
18 -- strike that.

19 Do the bullet points under essential job  
20 duties and responsibilities accurately reflect  
21 the position of area planning manager?

22 A. Yes, sir, to my recollection -- the best  
23 of my recollection.

24 Q. And these were the essential duties and  
25 responsibilities for that position; is that

1 right?

2 A. Yes.

3 Q. And would it be accurate to say that one  
4 of your primary duties was supporting the  
5 drivers?

6 A. Yes, sir.

7 Q. And you would take calls and messages  
8 from drivers; is that right?

9 A. Yes, sir.

10 Q. You would help drivers resolve any  
11 issues that they had?

12 A. Yes, sir.

13 Q. And you frequently interacted with the  
14 drivers face-to-face; is that correct?

15 A. Yes, sir. Only the Atlanta drivers  
16 face-to-face.

17 Q. Atlanta drivers. And you mentioned  
18 there were, if I recall correctly, approximately  
19 250 Atlanta drivers?

20 A. No. That's 2,250 drivers total in the  
21 southeast region.

22 Q. Okay. How many --

23 A. Atlanta -- go ahead.

24 Q. How many Atlanta drivers?

25 A. I believe it was between a hundred and a

1 hundred and ten. It just fluctuated depending on  
2 the season of trucking. So they have -- like a  
3 lot of drivers would leave and then some drivers  
4 will come back and then they do a big hiring in  
5 the middle of the year. So it just depends on  
6 the season.

7 Q. Okay. So you would have -- would it be  
8 accurate to say that you would have frequent  
9 face-to-face interaction with the Atlanta  
10 drivers?

11 A. Correct.

12 Q. If you turn to the second page of this  
13 document --

14 A. Yes, sir.

15 Q. -- do you see where it says skills/  
16 behaviors necessary to perform job?

17 A. Uh-huh. (Affirmative).

18 Q. Is that a yes?

19 A. Yes, sir.

20 Q. Okay. And it states, abilities or  
21 qualities an associate must possess in order to  
22 perform the essential job duties listed by core  
23 competency; do you see that?

24 A. Yes.

25 Q. And under communication it says, ability

1 me, please? I'm sorry.

2 Q. Sure. Would it -- would it be accurate  
3 to say that in your role as an area planning  
4 manager, it was necessary for you to be in the  
5 office to support a driver if they came in with  
6 an issue?

7 A. No.

8 Q. Why?

9 A. And I can explain.

10 Q. Why do you believe you didn't need to be  
11 in the office?

12 A. Well, depending on the circumstances  
13 most -- from my driving experience, most of my  
14 dispatchers from my experience they were in a  
15 whole other state. And then we were dealing with  
16 drivers in Miami that had breakdowns, and the  
17 only thing we can do is direct them to -- we  
18 could take the loads off of them and direct them  
19 on what to do, send them to the safety management  
20 team, SEM.

21 If they have a breakdown or if it's, like, a  
22 driver personal issue, we e-mail their DBL and  
23 then the driver will call them the next day or  
24 talk to their DBL, which is a driver business  
25 leader and then we're putting in the handoff.

1     But my Atlanta drivers, yes, I feel as though  
2     that they appreciated us being in the office so  
3     they can have face-to-face human interaction, so  
4     I can definitely understand that standpoint and  
5     that viewpoint as well.

6                 However, I know for sure that we dispatch  
7     drivers from Quebec. That's across the  
8     international lines, so you know, when they had  
9     issues, we were the ones in Atlanta, Georgia that  
10    had to help them, but we only were limited to  
11    what we could do because of our distance and  
12    communication with them at that time.

13               Q. Would it be accurate to say that  
14    Schneider wanted you to have face-to-face  
15    interaction with the Atlanta drivers --

16               A. Yes.

17               Q. -- in your position as an area planning  
18    manager?

19               A. Yes.

20               Q. Okay. And they deemed that -- Schneider  
21    deemed that important because they wanted you to  
22    develop those relationships with the Atlanta  
23    drivers; is that right?

24               A. Correct.

25               Q. Would you agree with me that there were

1 it's very common and I will do it as well.

2 A. I'm so sorry about that.

3 Q. All right. Do you have Exhibit number 6  
4 in front of you?

5 A. Yes.

6 Q. Do you -- and this is -- this is a 2018  
7 associate acknowledgement form. Do you recognize  
8 this document?

9 A. Yes.

10 Q. Do you recall completing the 2018  
11 associate acknowledgement recertification form?

12 A. Yes.

13 Q. All right. And under number one, it  
14 states that you acknowledge that the -- and I'll  
15 just summarize here, the equal -- the code of  
16 conduct, equal opportunity employer, the  
17 antitrust discrimination, harassment and  
18 retaliation prevention, drug and alcohol policies  
19 have been made available to you and you  
20 understand, agree, and acknowledge to abide by  
21 them during your employment with Schneider; is  
22 that right?

23 A. Yes.

24 Q. Okay. And you acknowledge that you  
25 reviewed the Schneider policies and understand

1 them or that you will promptly review the  
2 Schneider policies and agree to immediately bring  
3 any questions you have about them to your leader  
4 or human resource business partner; is that  
5 right?

6 A. Yes.

7           Q. Okay. And if we look down near the end  
8 of number one, you clicked the tab that says I  
9 agree, right?

10 A. Yes.

Q. Okay. I'm going to put that one aside.

12 We can go to the next exhibit, which will be  
13 Exhibit number 7, and it's Bates-stamped  
14 Schneider -- it has Exhibit A on it, which we can  
15 cross off. But it's Schneider 271 through 274.

16 (Plaintiff's Exhibit 7 was

marked and identified.)

18 A. Yes.

19 Q. Okay. So Exhibit 7 is Schneider's  
20 discrimination, harassment and retaliation  
21 prevention policy; is that right?

22 A. Yes.

Q. Do you recognize this document?

24 A. Yes, sir.

25 O. And you are aware that throughout your

1 employment, Schneider's policies were available  
2 to you on its intranet; is that right?

3 A. Yes.

4 Q. And was this particular policy, the  
5 discrimination, harassment and retaliation  
6 prevention policy available to you on Schneider's  
7 intranet?

8 A. Yes.

9 Q. And have you reviewed this policy  
10 before?

11 A. Yes.

12 Q. All right. And if you look under  
13 principles it states, it is the policy of  
14 Schneider that harassment, discrimination and  
15 retaliation are prohibited and will not be  
16 tolerated; do you see that?

17 A. Yes.

18 Q. And was that your understanding?

19 A. Yes.

20 Q. If you turn to the second page under  
21 complaint reporting procedures; do you see that?

22 A. Yes.

23 Q. All right. If you look to kind of the  
24 middle, I think it's the third sentence, it says,  
25 associates who believe they are being subjected

1           Q. All right. Ms. Geter, are you ready to  
2 resume your testimony?

3           A. Yes, sir.

4           Q. Okay. Who is Travis Torrence?

5           A. He was my team lead at the time.

6           Q. Do you know when he became your team  
7 lead?

8           A. I believe mid or early -- early to  
9 mid-2018.

10          Q. And prior to him becoming your team  
11 lead, do you know what position he held?

12          A. Yes. Area planning manager of Atlanta  
13 on first shift.

14          Q. Was he one of your -- one of your peers?

15          A. Yes, he was one of my peers.

16          Q. Did you ever work with him when he  
17 worked as an area planning manager?

18          A. Yes. Travis helped train me.

19          Q. And do you know to whom Travis reported  
20 when he was a team lead?

21          A. Yes. Doug Horton.

22          Q. And do you know who Doug Horton reported  
23 to?

24          A. Marianne Biskey-Rose.

25          Q. Do you know -- as a team lead, did

1       Travis supervise you?

2           A. Yes, he did.

3           Q. Let me ask it a different way. What  
4 type of support would Travis provide for you as a  
5 team lead?

6           A. He would support us if someone was out  
7 sometimes and cover their shift. Sometimes he  
8 would jump in and help with the calls and the  
9 messages if we get bombarded. But mainly he was  
10 supposed to be, like, the floater of the team to  
11 basically fill in and help out where the team  
12 needed him to be. That's what -- that was my  
13 understanding because of how our previous team  
14 lead was as well.

15          Q. And was he team lead over a specific  
16 shift; do you know?

17          A. Yes. Second and third shift, which is a  
18 collaborative support team.

19          Q. And do you know how many area planning  
20 managers -- during the time period of mid-2018  
21 through the termination of your employment, how  
22 many area planning managers were on the third  
23 shift?

24          A. Yes. Four.

25          Q. And what are -- what are the names of

1 those area planning managers?

2 A. Excluding myself, Audrianne Williams.

3 Do you need me to spell her name?

4 Q. No.

5 A. Okay.

6 Q. Well, yes, yes.

7 A. To the best of my ability,

8 A-u-d-r-i-a-n-n-e, I believe, and Williams,

9 W-i-l-l-i-a-m-s.

10 Q. Okay.

11 A. Desmond Seymour. That's, D-e-s-m-o-n-d;

12 Seymour, S-e-y-m-o-u-r. And Ms. Elaine Young,

13 that's E-l-a-i-n-e, and Young, Y-o-u-n-g.

14 Q. Okay. Do you know Ms. Williams' race?

15 A. African American.

16 Q. And Mr. Seymour's race?

17 A. African American.

18 Q. And Ms. Young's race?

19 A. African American.

20 Q. And did all -- the four of you then

21 worked third shift; is that correct?

22 A. Correct.

23 Q. Okay. And did they work the same hours

24 as you?

25 A. Yes, they did. I actually had the

1 extended hours out of the bunch during this time.

2 Q. And from mid-2018 through the  
3 termination of your employment, what were your  
4 hours?

5 A. 11:00 p.m. to 10:00 a.m.

6 Q. So you worked an 11-hour shift?

7 A. Yes, sir.

8 Q. And what days of the week did you work  
9 between mid-October mid 2018 through the  
10 termination of your employment?

11 A. Wednesday, Thursday, Friday, and Sunday.

12 Q. Those were your scheduled days?

13 A. Yes, sir.

14 Q. And when did you start working that  
15 schedule, Wednesday, Thursday, Friday, Sunday  
16 11:00 p.m. to 10:00 a.m.; do you recall?

17 A. No, I do not recall at this time.

18 Q. Was it prior to the time that you  
19 started reporting to Travis?

20 A. Yes, sir. I was under, I believe,  
21 Rodney Dunn when they switched those schedules  
22 over. I just can't remember the specific time.

23 Q. Did you have a good working relationship  
24 with Travis?

25 A. Yes.

1           Q. Do you know for Ms. Williams,  
2 Mr. Seymour, and Ms. Young what their work hours  
3 were during the 2018 through 2019 time period?

4           A. I believe Desmond Seymour's hours --  
5 because he had -- yeah, his hours was at  
6 10:00 p.m. to 6:00 a.m. Audrianne's hours was  
7 10:30 p.m. to 8:00 a.m. Ms. Elaine's hours was  
8 from 11:00 p.m. to 7:00 a.m.

9           Q. And do you know what days of the week  
10 they worked?

11          A. I do remember -- I remember -- I  
12 remember their off days, so I would have to write  
13 it out. Could I come back to that for you?

14          Q. They didn't work the same days as you  
15 did; is that accurate?

16          A. Correct. They did, except for  
17 Thursdays. Thursday night I was by myself.

18          Q. And when you would request time off,  
19 would you -- during the 2018 -- mid-2018 through  
20 the date of your termination in 2019, would you  
21 request time off from Travis?

22          A. Yes. Via e-mail and via our ADP on the  
23 portal.

24          Q. And if you had questions about work,  
25 would you reach out to Travis to answer those

1           And Julissa. I don't remember her last  
2 name, but she is located at the Atlanta  
3 operations center. She switched departments, but  
4 she was under that team as well.

5           Q. And Ms. Kopf, what was her race; do you  
6 know?

7           A. Caucasian.

8           Q. How about Mr. Parker?

9           A. African American.

10          Q. Ms. Smith?

11          A. African American.

12          Q. Wakita?

13          A. African American.

14          Q. And Julissa?

15          A. African American.

16          Q. Do you know whether the -- I'm sorry.

17          You mentioned that Wakita was a temp?

18          A. Yes. At that time.

19          Q. Okay. At that time. Do you know who  
20 her employer was?

21          A. No, sir.

22          Q. And was Julissa a temp?

23          A. Yes, sir.

24          Q. Do you know who her employer was?

25          A. No, sir. They did not disclose that to

1 us.

2 Q. Do you know whether Ms. Williams ever  
3 worked a reduced schedule?

4 A. No.

5 Q. Do you know whether Mr. Seymour ever  
6 worked a reduced schedule?

7 A. No.

8 Q. Do you know whether Ms. Young ever  
9 worked a reduced schedule?

10 A. No. Can I also add with Ms. Young?

11 She's the temp on third shift. She was the temp  
12 for third.

13 Q. Okay. Do you know who employed  
14 Ms. Young?

15 A. No, sir, I did not. I just came to work  
16 that day and she was there.

17 Q. Do you know when she started as a temp?

18 A. January of 2018 -- no. I'm sorry.

19 January 2019. My correction. I'm so sorry.

20 Q. Do you know if Ms. Kopf ever worked a  
21 reduced schedule?

22 A. No, sir.

23 Q. Do you know whether Mr. Parker ever  
24 worked a reduced schedule?

25 A. No, sir.

1 employment.

2 Q. Do you know whether Julissa worked  
3 reduced hours?

4 A. No, sir. She was full-time employment  
5 as well.

6 Q. During your employment at Schneider, are  
7 you aware of any area planning managers who were  
8 hired for a part-time position?

9 A. I'm thinking. Give me one second. No,  
10 sir, not to my knowledge at this time.

11 Q. In your lawsuit against Schneider you're  
12 alleging that you suffer from a disability; is  
13 that correct?

14 A. Yes, sir.

15 Q. And what disability do you suffer from  
16 or disabilities?

17 A. Post-traumatic stress syndrome, major  
18 depression and panic disorder.

19 Q. And do these all stem from the assault  
20 that you suffered in July of 2013?

21 A. Yes, sir. And also from my -- I had an  
22 incident on the truck when I was in Canada when I  
23 was a driver for Con-way.

24 Q. And why don't you tell me about that.

25 When were you a driver for Con-way?

1 Yeah, I believe so.

2 Q. Do you know who diagnosed you with major  
3 depression in September of 2015?

4 A. Dr. Maria Goyco.

5 Q. And do you know who diagnosed you with  
6 PTSD in October of 2018?

7 A. Dr. Cassandra, C-a-s-s-a-n-d-r-a; Wanzo,  
8 W-a-n-z-o.

9 Q. Are you still seeing Dr. Goyco?

10 A. No, sir, I'm not.

11 Q. When did you stop seeing Dr. Goyco?

12 A. I stopped seeing her, I believe, fall of  
13 2016 and I switched physicians.

14 Q. And who did you start seeing in the fall  
15 of 2016?

16 A. The fall of 2016 I went to -- I went to  
17 her and she dropped United Healthcare and I went  
18 to -- can you give me one second, please?

19 Q. Sure.

20 A. I believe I saw Dr. Goyco -- I'm sorry  
21 -- to 2017 because she dropped United Healthcare  
22 from her practice, and I could not use her no  
23 longer. And then I had just started going to  
24 Dr. Etienne, which was my neurologist at that  
25 time, and she had gotten my medication for my

1      headaches calibrated properly, and I thought I  
2      was good. And when Dr. Goyco dropped me due to  
3      the insurance situation I remember just being  
4      like, okay, I have Dr. Etienne and I'll find me  
5      another doctor.

6           So I didn't have a doctor for probably a  
7      year, like a primary physician, but I had all my  
8      specialty doctors still, like my ear, nose and  
9      throat doctor, my OB, I still had my neurologist,  
10     but I didn't have a primary at that time.

11           Q. Okay. So you stopped treating with  
12     Dr. Goyco in fall of 2017?

13           A. Yes.

14           Q. Okay.

15           A. But not on my own -- my own personal  
16     ability. She stopped taking United Healthcare.

17           Q. Understood. And do you know when you  
18     were diagnosed with panic disorder?

19           A. Dr. Wanzo diagnosed me with that as well  
20     in October.

21           Q. And with respect to the PTSD, what are  
22     the -- what are your triggers for the  
23     post-traumatic stress disorder?

24           A. So one of my triggers is in -- if I'm in  
25     close quarters with males or men I get very

1       defensive and very -- how can I put it? I'll be  
2       in like a -- not fight mode, but I'll be very on  
3       edge, like very defensive, really just in a  
4       secured mode in my mind. So anytime I was in  
5       close contact with men in a very close setting.

6           And then also if it rained or had really bad  
7       inclement weather, I couldn't drive my car, or I  
8       just have to pull over or take my time getting to  
9       my destinations and -- or I'll have to let the  
10      rain settle and then I can get in my car. If  
11      not, I have a full-out panic attack or I freak  
12      out, and then my mood is set for that time and I  
13      don't know why I'm in that mood at that  
14      particular time.

15           Another one of my triggers, believe it or  
16      not, is a certain smell. It's a smell -- if I  
17      smell diesel, like -- truck drivers, we have a  
18      distinct smell sometimes when we're at diesel  
19      pumps and that smell sometimes can make me snap  
20      because of that gentleman. I remember his smell  
21      and he was very distinct with diesel on him.

22           Q. Any other triggers?

23           A. I'm sorry. I'm just taking my time  
24      here. I'm so sorry.

25           Q. It's fine.

marked and identified.)

2 A. Yes, sir.

3 Q. And this is the family medical leave  
4 request form that you submitted to Schneider; is  
5 that right?

6 A. That's correct.

7 Q. And is that your signature at the bottom  
8 of the page?

9 A. Yes, sir.

10 Q. And you dated the document 10/15/18; is  
11 that correct?

12 A. Yes, sir.

13 Q. And is this -- the handwritten portion  
14 of this document, is that your handwriting?

15 A. Yes, sir.

16 Q. Okay. And you indicated under the  
17 employment data your date of hire was July 1  
18 2014; is that right?

19 A. Yes, sir.

20 Q. And that you worked 11 hours per day, 44  
21 hours a week; is that an accurate statement?

22 A. Yes, sir.

23 Q. And you were requesting leave beginning  
24 on October 11, 2018; is that right?

25 A. Yes.

1           Q. And you indicated that at least as of  
2 October 15, 2018, you did not know the end date  
3 of your leave, right?

4           A. Yes, sir.

5           Q. And the reason for the FMLA leave you  
6 indicated is for your own serious health  
7 condition; is that correct?

8           A. Yes, sir.

9           Q. And you also indicated -- I'm sorry.  
10          Under the employment date you circled the  
11 days that you normally work, and you circled  
12 Sunday, Wednesday, Thursday, Friday, right?

13          A. Correct.

14          Q. Okay. And what was your serious health  
15 condition at this time? Why were you -- why were  
16 you seeking leave?

17          A. I tried to commit suicide.

18          Q. When did you try to commit suicide?

19          A. The last week of September of that year.  
20 I believe it was, like, on the 27th or 26th.

21          Q. Of 2018?

22          A. Yes, sir.

23          Q. And why did you try to commit suicide?

24          A. I just -- I didn't feel like I belonged  
25 anymore. Like I felt like no one listened to me.

1 I believe, the district manager to approve it and  
2 they kept the schedule as such.

3 Q. Did you ever contact human resources to  
4 advise them that you needed -- that you were --  
5 give me one second.

6 A. Uh-huh. (Affirmative).

7 Q. Do you believe there was too much work?

8 A. No, sir. Because I thought it could be  
9 resolved in the office.

10 Q. And do you recall -- you said you had  
11 asked for this for a couple of years. Do you  
12 recall the first time you would have asked for --  
13 or raised with management that there was too much  
14 work?

15 A. It had to be in 20 -- I believe 2018  
16 when we saw a sufficient like -- we did a  
17 decrease in 2016 when we split the markets from  
18 north to south with the regions, so there was a  
19 decrease in workload as far as that, but then the  
20 responsibility -- they wanted us to have a little  
21 bit more responsibility, so that was around 20 --  
22 late 2017 or early 2018. And all I was asking  
23 them -- it wasn't for the work because the work I  
24 could do. It was the fact that, hey, I'm a  
25 female by myself at night. I need some type of

1 security and I prefer to have an extra teammate  
2 there and it would help with the process of  
3 working in a safe environment. That's what I was  
4 just asking for that whole time.

5 It wasn't even about the workload. It was  
6 actually about me having someone there with me,  
7 like, all of the other two shifts did. I just  
8 wanted it to be, hey, so I can feel a little  
9 secure and I could focus on my job and do my job  
10 efficiently.

11 Q. You wanted another teammate working  
12 alongside with you whenever you worked?

13 A. On the shift, correct. And I wasn't the  
14 only one that did solo shifts on that particular  
15 shift as well.

16 Q. At the time that you -- strike that.

17 Prior to the time that you submitted your  
18 FMLA leave request, did you advise anyone at  
19 Schneider about any of your medical conditions?

20 A. No, sir. Prior to that I was just  
21 trying to figure out what was going on with me.  
22 I was going to doctors trying to figure out what  
23 was going on with my -- with my headaches at the  
24 time and my panic attacks and stuff like that.  
25 That's when I was going to Dr. Etienne, I

1 believe.

2 Q. Okay. But as of October 15, 2018, you  
3 didn't tell anybody at Schneider that you  
4 suffered from PTSD, major depression, panic  
5 disorder, anything --

6 A. I didn't know -- I didn't know at that  
7 time because I got my diagnosis in that same  
8 month.

9 Q. But you didn't mention any type of  
10 medical condition to anyone at Schneider prior to  
11 October 15, 2018; is that correct?

12 A. Correct. Other than my bilateral carpal  
13 tunnel that I had to go out of work for. They  
14 know about that.

15 Q. Okay. But other than your carpal  
16 tunnel, you didn't mention any of your medical  
17 conditions prior to October 15, 2018; is that  
18 right?

19 A. That's correct.

20 Q. And so in 2017 and 2018 when you would  
21 tell Schneider management that there was too much  
22 work and not enough people, you didn't mention or  
23 indicate to -- to anyone that you were suffering  
24 from some type of a medical condition and were  
25 requesting some type of an accommodation; would

1       that be accurate?

2           A. That would be accurate, because I wasn't  
3 diagnosed at that time. However, I did speak  
4 with Marianne and Doug Horton on several  
5 occasions, and I pulled them to the side as my  
6 managers and if I had a stressful night or that  
7 night was -- it just didn't go right or something  
8 happened, I'd tell them. I'd debrief them and  
9 let them know, hey, I think we need more people  
10 on this side of the team. That's all I would  
11 suggest. Or hey, you think we could switch this  
12 person to over here to help out? And that's all  
13 I was suggesting.

14           It's not the workload per se. It's really  
15 about security because not even myself have  
16 mentioned this multiple times to them. Audrianne  
17 Williams mentioned it. Quincy Parker mentioned  
18 it to them. Desmond Seymour mentioned it to  
19 them. Ryan Wheeler mentioned it to them.

20           Who else? Sarah Kopf mentioned it to them,  
21 and Sarah was hired later in 2018, so that's  
22 after this moment. But those others, they were  
23 there. And we actually had a meeting with our  
24 district manager, and we brought it to his  
25 attention during a breakfast morning meeting.

1 And we was like, hey, we was just wondering could  
2 we get an extra teammate. We just put it out  
3 there because it was a casual breakfast meeting.

4 Q. Okay. But at no point in time prior to  
5 you submitting your FMLA form on October 15, 2018  
6 did you go to anyone at Schneider management and  
7 say, I need a specific accommodation because of a  
8 medical condition that you were -- you were  
9 experiencing; is that correct?

10 A. That's correct.

11 Q. All right. If we can go to the next  
12 document, and this one is labeled CG-0073 through  
13 0076.

14 A. Oh, there it is. I was like, okay.

15 Okay. My apologies.

16 Q. Do you have that --

17 A. Yes, sir.

18 Q. -- in front of you?

19 A. Yes, sir.

20 Q. All right. Let's mark -- let's mark  
21 this as Plaintiff's Deposition Exhibit number 9.  
22 And this appears to be a fax that Dr. Cassandra  
23 Wanzo sent to the Hartford October 22, 2018; is  
24 that correct?

25 (Plaintiff's Exhibit 9 was

1       Mr. Horton, did you speak with anyone else at  
2       Schneider about your medical condition?

3           A.   The only other person during that time  
4       when I first went out I confided in Sarah Kopf,  
5       and she started to come by and check on me. I  
6       think in the month of, like, November checked on  
7       me and try to get me -- you know, get out of the  
8       house and try to make me talk and be around  
9       people. So she was trying to just be a friend,  
10      be there for me.

11           Q.   Other than Doug Horton, did you speak  
12       with any management-level Schneider employees  
13       about your medical condition?

14           A.   No, because I took Doug's word and then  
15       -- about him taking everything up to HR. But I  
16       do remember Travis reaching out to me and just  
17       saying, you know, how you doing, and checking on  
18       me in that sense on my wellbeing.

19           Q.   And when did -- to the best you can  
20       recall, when did Travis reach out to you?

21           A.   I think later on in that month, but I  
22       can't give you a specific date.

23           Q.   Later in the month of October?

24           A.   Yes, sir.

25           Q.   Of 2018?

1 A. Yes, sir. My apologies about that.

2 Q. And as best you can recall, what -- what  
3 did Travis say to you and what did you say to  
4 him?

5           A. I told him that I -- I was suicidal a  
6 few weeks back and I was trying to get myself  
7 back and I just need their prayers and support.  
8 And he was like, no matter what C we got you.  
9 That's all I remember. Because anytime I was out  
10 sick they was always in my corner, so I thought  
11 they was in my corner.

12 Q. And anything else that you can recall  
13 about your conversation with Travis in October of  
14 2018?

15           A. No, sir, not at this time. If I do, I  
16 definitely will advise my counsel.

17 Q. All right. Let's go to the next  
18 exhibit, and it's Schneider 0418 through 0421.

19 A. Yes, sir.

20 Q. We'll mark this as Plaintiff's  
21 Deposition Exhibit number 11. Do you recognize  
22 this document?

23 (Plaintiff's Exhibit 11 was  
24 marked and identified.)

25 A. Yes.

1           Q. Okay. And you received this document  
2 from Schneider on or about October 26, 2018; is  
3 that right?

4           A. Yes, sir.

5           Q. And is that your address top left?

6           A. Yes, sir.

7           Q. Okay. And in this document, Schneider  
8 is letting you know that your request for FMLA  
9 leave had been approved; is that right?

10          A. Yes, sir.

11          Q. And it indicates near -- kind of near  
12 the bottom in that bullet that you have been  
13 granted seven weeks and one day beginning October  
14 9, 2018 and ending on October -- I'm sorry --  
15 November 27, 2018; is that right?

16          A. Yes, sir.

17          Q. Okay. And was your first day out, did  
18 it start on October 9, 2018?

19          A. Yes, sir.

20          Q. And after you -- was it your  
21 understanding after you received this letter that  
22 Schneider had granted your request for FMLA leave  
23 beginning on October 9, 2018 through November 27,  
24 2018?

25          A. Yes, sir.

1 Q. All right. Now you didn't return to  
2 work on November 27, 2018; is that right?

3 A. That's correct.

4 Q. Okay. Let's go to the next document.  
5 It's Bates-stamped CG-031 through 033.

6 (Plaintiff's Exhibit 12 was  
7 marked and identified.)

8 A. Yes, sir.

9 Q. And this appears to be another medical  
10 note that Dr. Wanzo sent to the Hartford via fax  
11 on November 17th of 2018; is that correct?

12 A. Yes, sir.

13 Q. Okay. And this is a document that you  
14 produced in discovery; is that right?

15 A. Yes, sir.

16 Q. And have you seen this document before?

17 A. Yes, sir.

18 Q. Okay. Do you recall whether or not you  
19 went over this document with Dr. Wanzo during one  
20 of your visits?

21 A. This one in particular, yes.

22 Q. You do remember going over it with  
23 Dr. Wanzo?

24 A. I remember giving her the paperwork and  
25 I saw her start writing on it, but not going

1 verbatim. She did go over my migraines. I do  
2 remember us having a discussion about my  
3 migraines, how I was feeling. I guess you --  
4 because I don't look over at the doctor when they  
5 be, you know, filling out their stuff, so I just  
6 sit there. But I did give her that paperwork, so  
7 I think she just started working on that then.

8 Q. Okay. If you could turn to the third  
9 page of this document.

10 A. Yes, sir.

11 Q. Do you see where it says functionality  
12 at the top?

13 A. Yes, sir.

14 Q. And it asks what activities are impaired  
15 and how, and Dr. Wanzo wrote, unable to perform  
16 any duties, another four to six weeks; do you see  
17 that?

18 A. Yes, sir.

19 Q. Okay. And she listed your target date  
20 for your return to work is January 2, 2019; is  
21 that right?

22 A. Yes, sir.

23 Q. And did you recall having a discussion  
24 with Dr. Wanzo about your target return date  
25 being extended to January 2, 2019?

1           A. She was going over -- yes, I do recall  
2       that we were going over my progress with my  
3       treatment and how I was doing and dealing with my  
4       emotions and my triggers at that time.

5           Q. Okay. And did you discuss the  
6       January 2, 2019 return to work date with  
7       Dr. Wanzo?

8           A. Yes. She asked me was I comfortable  
9       with returning.

10          Q. And did you -- and you agreed with her?

11          A. Yes, sir.

12          Q. All right. And she indicates here under  
13       the section that says, provide examples of  
14       accommodations that would allow your patient to  
15       return to work she wrote, return to work at three  
16       days per week for four weeks, then four days per  
17       week work schedule. Did I read that correctly?

18          A. Yes, sir.

19          Q. Okay. And did you discuss that with  
20       Dr. Wanzo?

21          A. Yes, sir.

22          Q. And -- and that was the treatment plan  
23       that the two of you discussed and agreed upon at  
24       that time?

25          A. Yes, sir. To return, correct.

1 Q. All right. If we can go to the next  
2 one, please. This is Bates-stamped Schneider  
3 0413. It's a one-page document.

(Plaintiff's Exhibit 13 was  
marked and identified.)

6 A. Yes, sir.

7 Q. And if you look kind of in the middle  
8 it's dated November 28, 2018; do you see that?

9 A. Yes, sir.

10 Q. And this document is addressed to you;  
11 is that right?

12 A. Yes, sir.

13 Q. And did you receive this document on or  
14 about November 28, 2018?

15 A. Yes, sir.

16 Q. And in this document, Schneider states  
17 that your federal FMLA now has a new ending date  
18 of December 31, 2018; do you see that?

19 A. Yes, sir.

20 Q. And as of that date, your 12 weeks of  
21 available federal FMLA will have expired; is that  
22 right?

23 A. Yes, sir.

24 Q. Okay. So did you understand this  
25 document as Schneider granting you an extension

1 of your FMLA leave through December 31, 2018?

2 A. Yes, sir.

3 Q. And that your FMLA would be exhausted as  
4 of December 31, 2018?

5 A. Yes, sir.

6 Q. Okay. And did you return to work on or  
7 about January 2nd?

8 A. I returned on January 2nd.

9 Q. Okay. All right. And we can go to the  
10 next document. We'll mark this as Plaintiff's  
11 Exhibit 14, and it's Bates Schneider 0410.

12 (Plaintiff's Exhibit 14 was  
13 marked and identified.)

14 A. Yes, sir.

15 Q. All right. And do you recognize this  
16 document?

17 A. Yes, sir. It's my return-to-work form.

18 Q. Okay. And it looks like this was  
19 completed by Dr. Wanzo?

20 A. Yes, sir.

21 Q. If you look at the bottom, it's dated  
22 December 15, 2018; is that right?

23 A. Which date? I'm sorry.

24 Q. It looks like December 15, 2018.

25 A. Yes.

1 Q. Do you see that at the bottom?

2 A. Yes.

3 Q. All right. And if you look at section  
4 one here it says, patient is able to return to  
5 work without restrictions effective February 14,  
6 2019; is that right?

7 A. Yes, sir.

8 Q. Okay. And in section two it says,  
9 patient is able to return to work with  
10 restrictions effective January 2, 2019 three days  
11 a week, ten-hour days; is that correct?

12 A. Yes, sir.

13 Q. So was it your understanding that you  
14 could return to work on January 2, 2019, but with  
15 the restriction of three days a week, ten-hour  
16 days?

17 A. Yes, sir.

18 Q. And you typically worked four days a  
19 week, 11-hour days; is that right?

20 A. Yes, sir.

21 Q. And in the comments, Dr. Wanzo states  
22 that you will be able to work three days per  
23 week, ten-hours a day effective on January 2,  
24 2019, right?

25 A. Yes, sir.

1           Q. And you understood that that's what  
2 Dr. Wanzo was requesting, and you agreed with  
3 that treatment plan; is that correct?

4           A. Yes, sir.

5           Q. Did you tell Dr. Wanzo that you wanted a  
6 reduced work schedule?

7           A. No. We were talking about it and  
8 discussed it and she thought it would be better  
9 if I didn't go straight in, like my full schedule  
10 at first. She wanted to ease me back into that  
11 environment to make me more comfortable because  
12 that is a very intense environment when it comes  
13 to dispatching that magnitude.

14          Q. Did she explain to you what days, or  
15 what day -- was there any indication that there  
16 was a particular day that you shouldn't work, or  
17 was she just more concerned that she didn't want  
18 you working four days?

19          A. She was more concerned working the four  
20 days. I was -- yeah, it was more concerned about  
21 not working the four days. She just wanted me to  
22 get in there and just try to keep going with my  
23 external treatments and stuff and making sure  
24 that I'm just trying to stay positive and  
25 focused.

1           Q. And after you received this return to  
2 work note -- well, when did you receive this  
3 return to work note? Was it on or about December  
4 15, 2018?

5           A. Yes, sir, because I had to get it to  
6 Hartford and the leave team as soon as possible  
7 before the deadline.

8           Q. Okay. And you submitted it to  
9 Schneider's leave and accommodations team?

10          A. Yes. And the Hartford. Both always  
11 acquire both copies.

12          Q. And after you submitted this document,  
13 this return-to-work form, did you have any  
14 discussion with anyone at Schneider about your  
15 accommodation request?

16          A. I talked to Travis and I let him know,  
17 hey, I need to have three days off and I let -- I  
18 mean, not three days off. I'm sorry. The one  
19 day due to what my doctor stated, and I let him  
20 know specifically on a Monday because I was  
21 trying to -- no, not trying. I was attending a  
22 women's PTSD, like an AA kind of meeting for  
23 women that's been abused and stuff and it was  
24 anonymous kind of thing, and I was going to that  
25 on Mondays to help with my treatment so I can

1 talk out my issue.

2 Q. Okay. And did you call Travis, or did  
3 you have a face-to-face meeting?

4 A. We talked to each other on the phone and  
5 then I saw him again when we went to work. When  
6 I got back to work that week, I believe he was  
7 out of town. If not, I saw him the week prior,  
8 but I remember me and him talking because he  
9 wanted to catch up. How you been? How's  
10 everything going? How are you feeling?

11 Q. During this telephone -- you said you  
12 had a telephone conversation with him initially;  
13 is that right?

14 A. Yes, sir. I believe so.

15 Q. Do you recall the date of that telephone  
16 conversation?

17 A. No, sir. I do not believe I recall that  
18 particular date.

19 Q. Okay. And it was just you and him on  
20 the phone?

21 A. Yes, sir.

22 Q. And as best you can recall, what was  
23 said and by whom during that call?

24 A. I let him know that I was returning back  
25 to work by January 2nd, and let me know what I

1 need to be prepared for. And I also wanted to  
2 make sure that somebody was there with me because  
3 I wasn't able to be by myself at that time,  
4 because I was like I just need somebody to be  
5 there with me. Are we going to have somebody on  
6 the shift? And he was like, yeah, don't worry  
7 about it. We good. We're hiring a temp anyway,  
8 because Audrianne was about to leave for  
9 maternity leave because she was pregnant at that  
10 time, so I was like, okay, cool.

11 So we have somebody to come in? And he  
12 said, yeah, I'm going need you -- matter of fact,  
13 my first day back I had to train somebody.

14 Q. Anything else that you can recall about  
15 that conversation with Travis?

16 A. Yeah, he told me I had to train that  
17 person, yeah. He said, hey, I got a new temp  
18 coming in. I need you to help out Audrianne with  
19 that. I know it's not -- I know it's your first  
20 night back, but do you think you can handle that?  
21 I said, yeah, I think, but if not, Audrianne is  
22 there, and I could just do the best of my  
23 ability. And then I told him about me going to  
24 my anonymous meetings on Monday.

25 Q. Anything else that you can recall about

1 that conversation with Travis?

2 A. That's all I can recall at this time.

3 Q. Did you take any notes of that  
4 conversation?

5 A. No, sir, I did not.

6 Q. Did he mention the name of the temp that  
7 you would be training?

8           A. I can see her face, but I do not  
9 remember her name, but I know she was from  
10 Memphis, Tennessee, she had braces, and she was  
11 petite. She was so -- she was sweet, but she  
12 only lasted, like, two weeks, and then right  
13 after her Ms. Elaine was hired.

14 Q. That's Elaine Young?

15 A. Yes, sir.

Q. If you could turn to the next document.

17 It's Bates Schneider 033 -- 0399.

18 A. Yes, sir.

19 Q. It's a one-page document. We'll mark  
20 this as Plaintiff's Exhibit number 15. And you  
21 see this document is dated December 18, 2018; is  
22 that right?

23 (Plaintiff's Exhibit 15 was

marked and identified.)

25 A. Yes, sir.

1           Q. And it's addressed to you; is that  
2 correct?

3           A. Yes, sir.

4           Q. And do you recall receiving this  
5 document on or about that date?

6           A. Yes, sir, I did.

7           Q. Okay.

8           A. Around that date because it takes a  
9 while before it comes through the mail.

10          Q. Got it. And in the second paragraph it  
11 says, Schneider has agreed -- well, let me start  
12 at the first paragraph. It says, on December 17,  
13 2018 we received a return-to-work form from your  
14 physician outlining the following work  
15 restrictions through February 13, 2019: work  
16 three days per week, ten-hour days. Did I read  
17 that correctly?

18          A. Yes, sir.

19          Q. Okay. And Schneider agreed to  
20 accommodate those restrictions in your current  
21 position effective January 2, 2019 through  
22 February 13, 2019; is that right?

23          A. Yes, sir.

24          Q. All right. And then when you -- when  
25 you returned to work on January 2nd, did you have

1       January 2, 2019 were you coming into the office  
2       on Wednesday, Thursday, Fridays that you worked?

3           A. Yes, sir.

4           Q. All right. And in this letter, Exhibit  
5       15, in bold Schneider says, please have your  
6       physician complete the attached return-to-work  
7       form prior to February 14, 2019 if there are any  
8       changes to your restrictions; is that right?

9           A. Yes, sir.

10          Q. The day that you were -- the Sunday that  
11       you were not working from January 2, 2019 through  
12       February 14, 2019, do you know who was covering  
13       that day?

14          A. Yes. Desmond Seymour.

15          Q. Desmond Seymour was working the Sunday  
16       that you would typically work?

17          A. Desmond Seymour. If it wasn't him, it  
18       was Audrianne Williams. Between those two, if my  
19       memory serves me correct.

20          Q. And they didn't typically work on  
21       Sundays; is that right?

22          A. Desmond did.

23          Q. Do you know if -- was Desmond doing  
24       twice as much work then on Sundays? Do you have  
25       any knowledge of that?

1           A. Since why? Because I wasn't there?

2           Q. Yes.

3           A. Any time no one is there everybody does  
4 twice as much work, no matter whether it's Sunday  
5 through Saturday. Whoever is on that third shift  
6 if they're by their self, they're taking the  
7 workload of everybody. So yes, I do concur with  
8 that.

9           Q. But would you agree then that your  
10 inability to work on Sundays impacted the third  
11 shift and their workload?

12          A. Yes.

13          Q. Do you know if Travis ever worked the  
14 Sunday that you were originally assigned to work  
15 during the time period that you were off --  
16 during the time period of your accommodation?

17          A. Not to my knowledge. I thought it was  
18 Audrianne and Desmond around that time period.

19          Q. Do you have any personal knowledge as to  
20 who was working on the Sundays that you were not  
21 working because of your accommodations --  
22 workplace accommodations?

23          A. Meaning? Can you rephrase it for me,  
24 please? I'm sorry.

25          Q. Sure. Do you know -- are you -- are you

1 just assuming and speculating that your Sunday  
2 was covered by Desmond and Audrianne, or do you  
3 have any --

4 A. Like, specifically?

5 Q. Yes. To support that --

6 A. That will be on Schneider's server when  
7 it comes to the schedule.

8 Q. Okay.

9 A. But from my recollection, because I  
10 remember how our team was, some Sundays, I  
11 believe, it was Desmond and some Sundays it was  
12 Audrianne. But this is around the time she was  
13 about to go out of work for maternity leave, so  
14 some Sundays she wasn't there either. She'd work  
15 from home. So I don't believe, like -- it was  
16 one of them. I just can't remember who  
17 specifically, but it was somebody there on  
18 Sundays. And if not -- if Travis did sub in, he  
19 probably did, but I remember he was subbing  
20 around that time for me, Desmond and Audrianne  
21 because Desmond was going out on vacation, I was  
22 coming back from leave. We was training a temp  
23 and Audrianne was going into maternity leave at  
24 the same time with in the six-week period and we  
25 was training two temps at the same time.

1           Q. Right. And Travis would fill in for  
2 area planning managers who were not able to work,  
3 right?

4           A. Correct.

5           Q. Okay. All right. If we go to the next  
6 document, please. And it's Bates Schneider 0385  
7 through 386. Do you have that in front of you?

8           A. Yes, sir.

9           Q. Okay. Let's mark this as Plaintiff's  
10 Deposition Exhibit number 16. And this appears  
11 to be another fax that Dr. Wanzo sent to the HR  
12 leave administration team at Schneider on  
13 January 19, 2019; is that right?

14           (Plaintiff's Exhibit 16 was  
15                 marked and identified.)

16           A. Yes, sir.

17           Q. Okay. If you turned to second page,  
18 this is a return to work recommendation --  
19 attending physician's return to work  
20 recommendation; is that right?

21           A. Yes, sir.

22           Q. And this appears to be Dr. Wanzo's  
23 handwriting; is that right?

24           A. Yes, sir.

25           Q. And if you look down at the bottom, it

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1 appears that she dated it January 19, 2019; is  
2 that correct?

3 A. Yes, sir.

4 Q. Okay. And do you recall going over this  
5 return to work recommendation with Dr. Wanzo?

6 A. Yes. It was a follow-up appointment  
7 about --

8 Q. Okay.

9 A. -- me returning back to work and how I  
10 was doing. She was checking in on me at that  
11 particular --

12 Q. And was this an in-person appointment  
13 that you had with Dr. Wanzo?

14 A. Yes, sir.

15 Q. Okay. And if you look at section two it  
16 states, patient is able to return to work with  
17 restrictions effective 1/2/19 three days a week,  
18 ten-hour days, right?

19 A. Yes, sir.

20 Q. Okay. And then if you look at section  
21 one, patient is able to return to work without  
22 restrictions effective 3/20/2019; is that right?

23 A. Yes, sir.

24 Q. And you understood that Dr. Wanzo was  
25 requesting an extension of your --

1           A. Sorry.

2           Q. Sure. You understood that Dr. Wanzo was  
3 requesting an extension of your accommodation  
4 through March 20, 2019; is that right?

5           A. Yes, sir.

6           Q. And did you discuss that with Dr. Wanzo  
7 as of January 2019?

8           A. Yes, sir.

9           Q. And she writes in section one --  
10 Dr. Wanzo writes, she remains unable to work full  
11 time because of her current clinical depression  
12 and post-traumatic stress disorder symptoms. She  
13 will be able to work ten hours a day, three days  
14 per week. Did I read that correctly?

15          A. Yes, sir.

16          Q. And you understood that's what Dr. Wanzo  
17 was recommending?

18          A. Correct.

19          Q. And did you speak with her about that?  
20 Did you ask that your accommodation of three days  
21 a week be extended?

22          A. She was going based upon what we was  
23 discussing and how I was feeling at work. And I  
24 was telling her about Audrianne is about to go  
25 out for maternity leave and we was prepping a

1 temp and then that temp quit, and then we had --  
2 the first temp got fired and then the second temp  
3 we was preparing her for the maternity leave for  
4 Audrianne. I was telling her how I was stressed  
5 out and stuff, but at that time, I do remember  
6 that conversation with her.

7 Q. Okay.

8 A. And this was a follow-up after three  
9 weeks of being at work basically. Two and a  
10 half, three weeks at work.

11 Q. All right. So you told Dr. Wanzo that  
12 the first temp had -- had quit, I believe, you  
13 said?

14 A. Got fired.

15 Q. The first temp was fired, Audrianne was  
16 about to go out on leave, and you were starting  
17 to train a second temp, and you were getting  
18 stressed out. Is that because of the amount of  
19 work?

20 A. Yes. Because I also had to train the  
21 temp while working by myself on certain nights  
22 that I had to train the temp and also still do my  
23 workload while trying to train the temp by myself  
24 without another counterpart there to take up the  
25 other part of the workload so I can focus on

1 training.

2 Q. Okay. And you understood that Dr. Wanzo  
3 was requesting about a four-and-a-half-week  
4 extension of your modified work schedule, right?

5 A. Yes, sir.

6 Q. Okay. And did you have any discussions  
7 with anyone at Schneider about the need for this  
8 extended accommodation or extending the  
9 accommodation?

10 A. Like, talking to management or anyone?

11 Q. Yes.

12 A. Not to my knowledge. I just know I kept  
13 asking them we need more time to train our temps,  
14 and I know we was on crunch time because  
15 Audrianne was in her third trimester.

16 Q. You don't have a specific recollection  
17 of talking to Torrence or Marianne or any other  
18 Schneider management about extending your  
19 modified work schedule for another four and a  
20 half weeks?

21 A. I think Travis probably approached me,  
22 but I'm not going to falsify that on record,  
23 because I can't speculate.

24 Q. You just don't recall one way or the  
25 other?

1 A. No, not like that. I'm sorry.

2 Q. Okay. Okay. If we could go to the next  
3 document. It's Bates Schneider 377.

4 A. Yes, sir.

5 Q. Okay. And it looks like this one is  
6 dated January 29, 2018 -- 2019; is that correct?

7 A. Yes, sir.

8 Q. And did you receive this letter on or  
9 about that date?

10 A. Yes, sir.

11 Q. Okay. If you look at the first  
12 paragraph it says, on January 21, 2019 we  
13 received your return to work from your physician  
14 outlining the following continuation of your work  
15 restrictions through March 19, 2019. Work three  
16 days per week, ten-hour days. Did I read that  
17 correctly?

18 A. Correct.

19 Q. And Schneider goes on to state that it  
20 has agreed to accommodate these restrictions in  
21 your current position effective March -- I'm  
22 sorry -- February 14, 2019 through March 19,  
23 2019; is that right?

24 A. Yes, sir.

25 Q. And then in bold it says, please have

1           Q. Do you recall working from home at all  
2 during that time period?

3           A. Not to my knowledge, but probably so.  
4 Well, yes. For the 20, 30 -- I mean, between  
5 February and March, yes, and I can tell you why.  
6 Because Audrianne had her baby February 26th and  
7 at that time Ms. Elaine quit a week after, and  
8 then I was left by myself completely.

9           And I asked Travis on a phone call on our  
10 personal phones, I said, hey, he was like, hey, I  
11 know you just got the call that Audrianne just  
12 had the baby. I was like, yeah, I do -- I said,  
13 man, I'm nervous, man. I can't work by myself.  
14 He said, well, I need you to, you know, come in.  
15 I said, well, how about can I work from home? He  
16 was like, you know what, yeah, that should be  
17 fine. See how that goes and if it works good,  
18 then we just keep it like that until we get --  
19 [inaudible]. And that was the week of the 26th  
20 of February because the week Audrianne had her  
21 baby.

22           Q. I'm sorry. You cut out a little bit.

23 You said --

24           A. I'm sorry.

25           Q. No, that's okay. Travis said -- you

1       asked if you could work from home and that's kind  
2       of when you cut out.

3           A. I'm sorry. He asked -- I asked him  
4       could I work from home due to the fact that now  
5       Audrianne had her baby and then a week later,  
6       Ms. Elaine quit, so I was left by myself. So  
7       that following week after the 26th, we had  
8       another conversation and that's when I brought up  
9       to him could I work from home on the days I had  
10      to work by myself. Days I was with Travis or  
11      with Desmond I was -- I was fine. It was the  
12      days where I was by myself, I just requested  
13      could I just work from my house remotely because  
14      we had access to that.

15           Q. And what did Travis say in response to  
16      your question?

17           A. He stated that at that time due to the  
18      fact that we were -- we were short staffed, and  
19      he was like, well, I do understand where you're  
20      coming from, so he said I don't see it as a  
21      problem. So he's like, yeah, if it's a problem,  
22      then we'll go from there. But he said, go ahead,  
23      because I understand where you coming from and  
24      that's what I took it like.

25           Q. So he said he didn't see it as a

1 problem. If it's -- if it is a problem, you'll  
2 address it, and go ahead and work from home when  
3 you were -- when you were going to be working by  
4 yourself?

5 A. Yes, sir. He told me that I was able to  
6 do that. And I knew it wasn't going to be  
7 forever, but it was just for that time being  
8 because Audrianne's due date -- her original due  
9 date was March 15th, so they was basing  
10 everything upon March 15th and the baby came  
11 February 26. So they was trying to train a temp  
12 from January to March, and they lost two temps  
13 within that time period for third shift.

14 Q. So you believe this conversation  
15 happened -- was it the first week of March of  
16 2019?

17 A. Yes, sir.

18 Q. Okay. And from the first week of March  
19 -- prior to the first week of March -- let me  
20 rephrase that.

21 From January 2, 2019 until you had this  
22 conversation with Travis during the first week of  
23 March 2019, do you recall any occasion where you  
24 worked from home?

25 A. On Thursdays sometimes and sometimes

1 not. It's when Audrianne was working from home  
2 and we would alternate weeks like that. She  
3 would work from home on Thursdays, or I worked  
4 from home on Thursdays. We would alternate  
5 because she was -- she wasn't able to drive in,  
6 in her last two or three weeks coming into work  
7 because she lived an hour and 20 minutes from  
8 Fairburn. She lived in Dacula.

9 Q. It sounds like once every two weeks you  
10 would work one day from home?

11 A. That's only --

12 Q. Is that right?

13 A. Yes, sir. That's only if, like, she  
14 couldn't make it in or something like that. And  
15 then if she couldn't make it in because she  
16 couldn't drive in or something and I'm there, if  
17 I arrived at work and she wasn't there, she'll  
18 log in and work from home remotely, but she'll  
19 work from home if she couldn't come in on that  
20 Thursday night.

21 Q. And Travis would allow you to work from  
22 home on this alternating Thursday evening during  
23 this January 2019 through March 2019 time period?

24 A. Yes, sir. And majority of that time I  
25 remember -- it's coming back to me now -- I

1       really could not be off on that time, like away  
2       because I was the main person training the temps.  
3       And then when Audrianne was able to come into the  
4       office she would train the temps with -- like we  
5       would alternate training that night. So one  
6       person would be with the temp, the other person  
7       would be dealing with all the workload. And then  
8       once we're done with training, then we all would  
9       jump in and put the temp on hands-on training at  
10      that time. But the first three to four hours to  
11      five hours of that shift we solo on that  
12      workload.

13           Q. All right. And you did not return to  
14      full-time work on March 20, 2019; is that right?

15           A. Correct.

16           Q. We can go to the next document, please.  
17      It's Bates CG-41 through 45. Actually, we'll  
18      mark this as kind of a group exhibit, 18 CG-41  
19      through 45 and Schneider 343 and 344.

20           (Plaintiff's Exhibit 17 was  
21                  marked and identified.)

22           A. Okay. Yes, sir.

23           Q. Okay. And this is another medical note  
24      that Dr. Wanzo faxed to the Hartford on March 9,  
25      2019; is that correct?

1           A. Yes, sir.

2           Q. And this is -- at least the first  
3 several pages of this document you produced in  
4 discovery; is that right?

5           A. Yes, sir.

6           Q. And do you recognize this document?

7           A. Yes, sir.

8           Q. Do you recall going over the progress  
9 report, the next two pages, with Dr. Wanzo?

10           (Plaintiff's Exhibit 18 was  
11                 marked and identified.)

12           A. Yes, sir.

13           Q. And if you look on that first page, it  
14 asks again is the condition related to  
15 environmental and/or interpersonal issues in your  
16 workplace and Dr. Wanzo wrote lack of staffing,  
17 verbally abusive drivers. Did I read that  
18 correctly?

19           A. Yes, sir.

20           Q. Okay. And was there still, in your  
21 view, a lack of staffing?

22           A. Yes, sir.

23           Q. Okay. And you were seeking an  
24 accommodation of a continued reduced work  
25 schedule because of lack of staffing?

1           A. Yes, sir.

2           Q. And were drivers still being verbally  
3 abusive as of March 9, 2019?

4           A. I had occasional disgruntled drivers  
5 call in.

6           Q. And if you turn to the next page under  
7 functionality --

8           A. Yes, sir.

9           Q. -- it asks, specify what activities are  
10 impaired and how. And Dr. Wanzo wrote, only able  
11 to work three days part time until April 30th.

12 Did I read that correctly?

13          A. Yes, sir.

14          Q. Okay. And did you discuss that with  
15 Dr. Wanzo about extending your modified work  
16 schedule until April 30th?

17          A. Yes, because she was trying to give them  
18 time to, you know, hire somebody else and so she  
19 was like it'll give you more time to help you  
20 process things because this is a little -- it's a  
21 lot when you're just coming back out and you --  
22 she was like -- it was just a lot, and I was  
23 trying to deal with it to the best of my ability  
24 at that time. So she felt as though, like, I  
25 needed more time until they can get somebody else

1       in here to help.

2           Q. Okay. And you agreed with her  
3 recommendation that you continue to work three  
4 days a week until April 30, 2019?

5           A. Yes, sir. And also at that time I  
6 received -- I believe at that time -- yes, I  
7 received at that time my uncle was placed in  
8 hospice. I remember that specifically, and she  
9 was trying to prepare me with my treatment to  
10 help me with my grieving process, so I wouldn't  
11 have a reaction as well to that.

12          Q. Okay. If you could turn to the fifth  
13 page of this exhibit, it's a return to work  
14 recommendation.

15          A. Yes, sir.

16          Q. Bates CG-0045. Do you see that?

17          A. Yes, sir.

18          Q. Okay. And this document is dated  
19 March 9, 2019; is that right?

20          A. Yes, sir.

21          Q. And if you look at the top it's  
22 submitted to Schneider's HR leave administration  
23 team; is that correct?

24          A. Yes, sir.

25          Q. Okay. Do you recall discussing this

1 return to work recommendation with Dr. Wanzo?

2 A. Yes, sir.

3 Q. All right. And if you look at section  
4 one, it states, patient is able to return to work  
5 without restrictions effective April 30th. She  
6 remains unable to work full time because of her  
7 clinical depression, PTSD and panic disorder  
8 symptoms. She will be able to continue present  
9 schedule Wednesday, Thursday, Friday, ten hours a  
10 day, Thursday and Friday at home or any time  
11 solo. Did I read that correctly?

12 A. I'm trying to figure out her  
13 handwriting. I'm sorry. I'm sorry. Okay. Yes,  
14 sir. I can -- yeah, I see what you read, yes.

15 Q. Okay. And did you discuss these  
16 accommodation requests with Dr. Wanzo on March 9,  
17 2019?

18 A. Yes. I remember speaking with her about  
19 the situation with their temps and with Audrianne  
20 being out. And she said why are you working by  
21 yourself? I thought they was going to get some  
22 help for you? I was like, well, they haven't  
23 found no one yet. She was like, so that's not  
24 helping you with your treatment. So what's going  
25 on?

1           I was like, well, right now I don't know  
2 what's going on, but this is the best that they  
3 could do. And so she was like, well, could they  
4 let you work from home on the days you have to  
5 work by yourself so you don't feel that type of  
6 energy or pressure from your external  
7 environment? And I was like, I hope so. They've  
8 been helping me so far.

9           Q. Did you -- did you understand that  
10 Dr. Wanzo was requesting that you work from home  
11 Thursdays and Fridays?

12           A. No, sir. Not in the full content of  
13 that. I thought it was only for when we didn't  
14 have staffing.

15           Q. Okay. If we could go to -- let's skip a  
16 few pages. If you could turn to Schneider 321  
17 through 323.

18           A. Yes, sir.

19           Q. Did you -- did you speak with anyone  
20 about Dr. Wanzo's request that you continue to  
21 work a modified work schedule through April 30,  
22 2019 and be permitted to work from home Thursdays  
23 or Fridays or when you were solo?

24           A. I remember I talked to Travis, but not  
25 in that type of specification. Does that make

1 for a shorter period of time, that was your  
2 request to work from home when you were solo?

3 A. Yes, sir. But my understanding was -- I  
4 was, like, but didn't you get any notes from HR?  
5 That's what was within myself. That's what I was  
6 assuming, and assumptions are not always good.

7 Q. Do you recall at this time HR approving  
8 any requests that you work from home?

9 A. At the time they were -- they had  
10 approved everything from my doctor's notes. I  
11 was getting information from Hartford and from HR  
12 about my accommodations being approved. I even  
13 received an e-mail -- I think her name is Anissa  
14 HR because Angie Shelow [sic] was my original  
15 point of contact and then she got promoted or  
16 moved to a different department and then Anissa  
17 became my point of contact.

18 And then I remember speaking with her the  
19 first week or two -- no, the first week of April  
20 because she requested information, some more  
21 documents. I remember e-mailing her over  
22 documents the latter part of the first week of  
23 April until the beginning of the second part --  
24 the second week of April, and then on the 12th I  
25 was termed. So from the time of March 20th to

1 April 12th, I was just communicating between HR  
2 and then Travis.

3 Q. Up until March 9, 2019, are you aware of  
4 any document -- are there other communications  
5 from Schneider indicating that it had approved  
6 any requests that you work from home when you  
7 were solo?

8           A. No, sir. Other than the conversation  
9 that I stated I had verbally talked with Travis.

10 Q. If we could look at Exhibit 19,  
11 Schneider 321 through 323.

12 (Plaintiff's Exhibit 19 was  
13 marked and identified.)

14 A. Yes, sir.

15 Q. Okay. And this is another attending  
16 physician's statement that appears to have been  
17 completed by Dr. Wanzo; is that right?

18 A. Yes, sir.

19           Q. Okay. And she's still indicating --  
20 well, strike that.

21           If you go to the second -- the third page,  
22   it appears to be dated March 30, 2019; is that  
23   correct?

24 A. Yes, sir.

25 Q. Did you have an appointment with

1 Dr. Wanzo on March 30, 2019? Do you recall?

2 A. I believe I did.

3 Q. Do you recall discussing Dr. Wanzo's  
4 recommendations for your accommodations as of  
5 March 30th of 2019?

6 A. Yes. We were talking about me working  
7 from home on the days I was solo because I was  
8 telling her how it was affecting me, and I told  
9 her the conversation me and Travis had.

10 Q. And according to the first page of this  
11 exhibit, Dr. Wanzo was still saying that your  
12 condition -- lack of staffing is related to your  
13 workplace condition? I'm sorry. Strike that.

14 Dr. Wanzo was saying that you still need  
15 this accommodation because of lack of staffing;  
16 is that right?

17 A. Yes, sir.

18 Q. If you turn to the second page of this  
19 exhibit, kind of in the middle it says, what are  
20 your patient's current abilities, what type of  
21 work can your patient perform? And she writes,  
22 you can only work three days per week, Wednesday,  
23 Thursday, Friday, working from home two days a  
24 week, ten-hour days. Do you see that?

25 A. Yes, sir.

1 Q. And did you discuss that with Dr. Wanzo?

2 A. I didn't discuss that part with her  
3 about working from home for those two days. I  
4 remember her saying specifically on the days I  
5 was solo.

6 Q. And she goes on to state that your  
7 target date for your return to work was on a full  
8 time basis June 5, 2019; is that right?

9 A. Yes, sir.

10 Q. And did you agree with that --

11 A. Yes.

12 Q. -- assessment from Dr. Wanzo?

13 A. For the return date, correct. Due to  
14 the fact my uncle was in hospice at the time, and  
15 I was really preparing myself for his death  
16 because he was a very close, close relative of  
17 mine.

18 Q. So you were requesting a modified work  
19 schedule -- or an extension of your modified work  
20 schedule from March 30, 2019 through June 5, 2019  
21 in part because of your uncle's illness; is that  
22 right?

23 A. Yeah, and due to lack of staffing as  
24 well. Because mind you, we don't have two -- we  
25 didn't have two temps at all and Audrianne wasn't

1 there still, so we were down technically three  
2 people on third.

3 Q. Right. And so you were -- you were  
4 requesting additional time off during a time  
5 period when Schneider was short-staffed, right?

6 A. Not -- not time off because I was  
7 working.

8 Q. Yeah, you were requesting a modified  
9 work schedule during a time period when Schneider  
10 was short-staffed, correct?

11 A. Yes, but I wasn't requesting time off.  
12 I was requesting to work from home.

13 Q. Well, according to this you were  
14 requesting to continue to work three days per  
15 week, right?

16 A. Correct.

17 Q. And your normal full-time schedule would  
18 be four days per week, right?

19 A. Correct.

20 Q. So you were -- you were requesting a  
21 modified, reduced work schedule during a time  
22 period when Schneider was short-staffed, correct?

23 A. Yes.

24 Q. And the doctor goes on to state, if  
25 appropriate provide examples of accommodations

1       that will allow your patient to return to work.

2       And Dr. Wanzo wrote, working from home two days  
3       per week, working three days per week, Wednesday,  
4       Thursday, Friday. Did I read that correctly?

5           A. Yes, sir.

6           Q. Okay. And that's what's -- is it your  
7       testimony that you did not discuss with Dr. Wanzo  
8       working from home two days per week as of March  
9       30, 2019?

10          A. I did discuss with her working from home  
11       when I was solo. So whatever the schedule was,  
12       whoever wasn't there on those days, that's the  
13       days I needed them to accommodate. So if you  
14       were scheduled for a Wednesday and Thursday or  
15       Friday schedule, and let's say you called out  
16       before a shift, I was thinking like Travis would  
17       let me know, like, hey, such and such called out,  
18       stay at home tonight or, hey, I'm not able to  
19       come in. You know, that's how I was looking at  
20       that, and that's how I talked to him about it,  
21       and that's how I talked to Dr. Wanzo about it.  
22       But I do understand what you're saying.

23          Q. All right. Well, were you disagreeing  
24       with Dr. Wanzo -- did you disagree with her when  
25       she said she wanted you to work from home two

1 days per week as of March 30, 2019?

2 A. No, I'm not disagreeing with her. I  
3 just don't know specifically who was off on those  
4 specific days.

5 MR. MILIANTI: Okay. All right. Why  
6 don't we take a -- we've been going for a little  
7 bit. Why don't we take a ten-minute break.

8 (Break taken from 3:20 p.m. to 3:33 p.m.)

9 BY MR. MILIANTI:

10 Q. As of -- strike that.

11 Ms. Geter, was it your intention to remain  
12 on a modified work schedule until you believe  
13 Schneider had appropriately staffed the third  
14 shift for area planning managers?

15 A. No, sir. I was really trying to just  
16 get the betterment of my mental health in order  
17 and in control mostly.

18 I'd also like to make a correction. So  
19 earlier when you stated that me and Dr. Wanzo  
20 discussed the two days off and the three-day work  
21 period, that was not my discussion her  
22 whatsoever. I think that's what the implication  
23 of what was going on within the office, as far as  
24 the situation and with Audrianne's maternity  
25 leave and the lack of staffing. And I was like,

1       hey, I just -- as long as I can work from home  
2       those days that's significant. But as far as  
3       requesting the two days off doing that three work  
4       -- I do not recall that all within that  
5       discussion.

6           Also, I received in March -- mid-March the  
7       news about my uncle and -- [inaudible] -- because  
8       of the stresses from work and then from that news  
9       as well. So I guess she took it into her -- took  
10      it into her hand to write that particular section  
11      in the notes. But my main concern was as long as  
12      I could feel safe at work, I could do my job.  
13      But my mental health did start to decline a  
14      little bit around that time, so I just wanted to  
15      correct that.

16           Q. Well, you were continuing to extend your  
17      modified work schedule because of a perceived  
18      lack of staffing on behalf of Schneider for the  
19      area planning manager position, right?

20           A. Yes, sir.

21           Q. And you would not have felt comfortable  
22      returning to a full-time role until you believed  
23      that Schneider had appropriately staffed the  
24      third shift with area planning managers, right?

25           MS. LEGARE: Objection.

1 and March 30, 2019 any instance where a driver  
2 was verbally abusive towards you?

3 A. Me specifically, no, at this time that I  
4 can remember.

5 Q. Okay. If you could turn to the next  
6 document, which is -- I might be jumping around a  
7 little bit. I'm not sure. Schneider 315. It's  
8 a one-page document dated March 2nd -- April 2nd,  
9 2019.

10 A. Yes, sir.

11 Q. Okay. I'm going to mark this as  
12 Plaintiff's Deposition Exhibit number 20. Do you  
13 recognize this document?

14 (Plaintiff's Exhibit 20 was  
15 marked and identified.)

16 A. Yes.

17 Q. Okay. And this document is dated  
18 April 2, 2019. Did you receive a document on or  
19 about that date?

20 A. Probably around that time. Not on that  
21 date, but afterwards.

22 Q. Okay. And that's your address; is that  
23 right?

24 A. That's correct.

25 Q. Okay. And then you see in this first

1 paragraph it says, you're currently approved --  
2 I'm sorry. This is a letter that you received  
3 from Schneider's HR leave administration team,  
4 correct?

5 A. Correct.

6 Q. Okay. And it relates to your request  
7 for an accommodation, right?

8 A. Yes, sir.

9 Q. And it states, Dear Cierra, you're  
10 currently approved on an accommodation for your  
11 reduced schedule of three days through March 19,  
12 2019. Below is the timeline of information that  
13 has been received during your leave of absence  
14 and your partial return to work. Did I read that  
15 correctly?

16 A. Yes, sir.

17 Q. Okay. And then there are four -- I'm  
18 sorry -- five bullet points, right?

19 A. Yes.

20 Q. Okay. Can you review those five bullet  
21 points and tell me when you're done?

22 A. Yes. I'm finished.

23 Q. Okay. And do these five bullet points  
24 accurately reflect the timeline of your  
25 accommodation request and the request that you

1 received?

2 A. Yes, sir.

3 Q. Okay. And Schneider states after these  
4 bullet points, with the multiple extensions of  
5 partial return to work schedule, this is  
6 appearing to be a permanent need. Did I read  
7 that correctly?

8 A. Yes.

9 Q. All right. And then they ask that you  
10 provide or that your healthcare provider provide  
11 additional information by no later than April 8,  
12 2019; is that right?

13 A. Yes, sir.

14 Q. Okay. And do you recall -- I'll show  
15 you the exhibit here in a little bit. Do you  
16 recall receiving a document attached to this  
17 where they asked -- Schneider had asked your  
18 physician for additional information?

19 A. Yes, sir.

20 Q. Okay. And did you take that document to  
21 your physician?

22 A. I had to. Yes, sir.

23 Q. Okay. We can go to Schneider 301. I'm  
24 sorry. That's out of order. It'll be CG-261  
25 through 262.

1 Hartford's policies.

2 Q. And you received those benefits for  
3 approximately one year at 66 percent of your  
4 salary?

5 A. Yes, sir.

6 Q. If you could go to -- I believe it's the  
7 next document in the stack. It should be  
8 Schneider 301.

9 A. Yes.

10 Q. We'll mark this is Plaintiff's  
11 Deposition Exhibit number 22. Do you recognize  
12 this document?

13 (Plaintiff's Exhibit 22 was  
14 marked and identified.)

15 A. Yes, sir. It's the termination letter.

16 Q. Okay. And did you receive this letter  
17 on or about April 12, 2019?

18 A. I received it April 12th, 11:15 p.m. by  
19 Travis Torrence in the on-on-one room.

20 Q. Okay. And if you look at that first  
21 paragraph, it states were out on a continuous  
22 leave of absence due to medical reasons from  
23 October 9, 2018 through January 1, 2019 at which  
24 time you exhausted your 12 weeks of FMLA; do you  
25 agree with that?

1           A. Yes, sir.

2           Q. It goes on to state that Schneider was  
3         able to accommodate you returning to work on a  
4         partial schedule starting on January 2, 2019; is  
5         that correct?

6           A. Yes, sir.

7           Q. And that Schneider had been  
8         accommodating you working three out of your  
9         scheduled four days since January 2, 2019; is  
10        that correct?

11          A. Correct.

12          Q. And then you see there's three bullets  
13        there?

14          A. Yes, sir.

15          Q. Did you agree with the timeline and the  
16        accommodations that were granted?

17          A. Yes, sir.

18          Q. And then it states on April 1, 2019 we  
19        received updated information from your physician  
20        that indicates you may be able to return to full  
21        time on June 5, 2019 with three days in the  
22        office and the other day working from home; do  
23        you see that?

24          A. Yes, sir.

25          Q. And then Schneider goes on to state,

1       based on this information, carefully considering  
2       your request for us to continue to accommodate  
3       you, we are unable to continue accommodating a  
4       partial schedule, right?

5           A. Yes, sir.

6           Q. And they denied your request for  
7       additional accommodations, right?

8           A. Yes, sir.

9           Q. Okay. And you indicated that you --  
10      that Travis provided you with a copy of this  
11      letter on April 12, 2019 at 11:15 p.m.?

12           A. Yes, sir.

13           Q. Okay. And you said it was in the  
14      one-on-one room?

15           A. Yes, sir.

16           Q. And that was in your office -- or at the  
17      office facility?

18           A. Yes, sir.

19           Q. Okay. And who was present for that  
20      meeting?

21           A. It was me and Travis in the one-on-one  
22      room. Sarah Kopf was outside in the office area  
23      with a driver. Wendy was in there. The driver's  
24      name is Wendy.

25           Q. Well, who was in the room when you were

1 speaking with Travis? Was it you and Travis?

2 A. Just me and Travis.

3 Q. Okay. And as best you can recall, what  
4 was said during that meeting and by whom?

5 A. He asked me how I was doing, and then I  
6 was like, oh -- like we always joke. Everybody  
7 had a little joke when we go into the one-on-one  
8 room, like what happened now? Like that's what  
9 we always do. And so I was like, uh-oh, what's  
10 wrong? He was like, oh, nothing, but I need to  
11 talk to you, and he had more of a serious look on  
12 his face, and then he handed me this paper. I  
13 read it and he was like so we can no longer  
14 accommodate you, so we need you to turn in your  
15 laptop and everything tonight.

16 Q. Did you say anything?

17 A. Yeah, I said something. I said how dare  
18 you do this to me when you know what predicament  
19 I'm going through and then how much I have helped  
20 out the team. And I said it's some bull crap. I  
21 had to call my mom because she had to calm me  
22 down, because I was about to go into a manic  
23 rage.

24 Q. Did Travis say anything in response?

25 A. He said it was out of his hands and out

1       of his control, he tried his best. And I said,  
2       no, you didn't. You didn't try your best because  
3       you would've came to me and had another step to  
4       help me.

5           Q. Anything else that you can recall in the  
6       conversation you had with Travis on that day?

7           A. I remember I left my termination letter.  
8       I had to come back and get it and he put my  
9       termination on a sticky note in a folder on a  
10      piece of tape outside the door and locked the  
11      door so I wouldn't come back into the front --  
12      onto the -- into the office, so I had to pick up  
13      the paperwork on the porch.

14          Q. Anything else that you can recall?

15          A. I was very upset. I even had to call my  
16       psychiatrist that night at 12 o'clock at night.

17          Q. Why do you believe Schneider denied your  
18       accommodation requests as of April 12, 2019?

19          A. I don't think they wanted to deal with  
20       me.

21          Q. I'm sorry?

22          A. I didn't think they wanted to deal with  
23       me any longer.

24          Q. Why not?

25          A. Because right after I was terminated,

1       they moved somebody from first shift to third  
2       shift and hired two more people. I thought they  
3       just didn't want to deal with me no more, to be  
4       quite honest.

5           Q. What do you mean when you say they  
6       didn't want to deal with you any longer?

7           A. Deal with my circumstance.

8           Q. And what do you mean when you say your  
9       circumstance?

10          A. Deal with my mental health situation and  
11       my health concerns -- [inaudible] -- me as an  
12       employee, a human being.

13          Q. Do you know who made the decision to  
14       deny your continued accommodation requests?

15          A. Travis told me that night it was out of  
16       his control, so I just thought it was just upper  
17       management, which is Marianne and I thought it  
18       was HR, that's the only way I can think of it at  
19       that time. But specifically, no, sir.

20          Q. We can go to the next exhibit. It's  
21       Schneider 24 through 26.

22          A. Yes, sir.

23          Q. During the time period of February 14,  
24       2019 through April 12, 2019, do you -- do you  
25       know who was performing the job duties that you

1       would typically perform on that fourth day that  
2       you would normally work?

3           A. It was probably between, like I stated  
4       earlier, Travis, Audrianne, Desmond. One of them  
5       three. And since Audrianne was already out on  
6       leave, it was between Desmond and Travis at that  
7       time.

8           Q. And that would have been in addition to  
9       their normal work schedule; is that right? As  
10      far as you know?

11          A. Not -- not -- I know Desmond  
12       specifically that's -- they -- that's his  
13       schedule. Like they moved it around so everybody  
14       can accommodate because Audrianne was out and  
15       with my predicament as well, so they shift the  
16       schedules around. There's only three people on  
17       third shift other than the two temps, so you only  
18       was working with three technically if Travis  
19       didn't show up. So if he was working second  
20       shift, he wouldn't do third shift sometimes, or  
21       sometimes he'll pull a double shift. If he  
22       couldn't cover the third, then we by ourselves.

23          Q. Okay. If Travis or Desmond had to work  
24       on that Sunday that you would normally work, that  
25       would be in addition to the work that they would

1 normally perform on that day; is that correct?

2 A. I don't understand that question. I'm  
3 sorry.

4 Q. Sure. If Desmond was scheduled to work  
5 on Sunday and you because of your modified  
6 schedule we're not working on that Sunday, then  
7 Desmond would do his work and the work that was  
8 normally assigned to you; is that right?

9 A. Correct. Yes.

10 Q. And same thing with Travis. If he was  
11 either off on that Sunday or already scheduled on  
12 that Sunday and he was doing the work that you  
13 normally would do on Sundays, he was doing twice  
14 as much work as he normally would do, correct?

15 A. Correct. And vice versa if they were  
16 out on the days I had to work on Wednesday,  
17 Thursday and Friday.

18 Q. Let's go to Exhibit 23, and this is a  
19 fax that's dated April 27, 2019. It looks like  
20 it was sent from Dr. Wanzo to Schneider's HR  
21 leave administration team; is that correct?

22 (Plaintiff's Exhibit 23 was  
23 marked and identified.)

24 A. Yeah, they had sent this over to her  
25 after my termination to get more information from

1           A. Yes, sir.

2           Q. And you had difficulty working in a  
3 fast-paced, high pressure environment since the  
4 time you returned on January 2, 2019, right?

5           A. Yes, sir.

6           Q. And you had difficulty working in a  
7 fast-paced, high pressure environment prior to  
8 January 2, 2019, correct?

9           A. Correct.

10          Q. Okay. And your difficulty in working in  
11 a fast-paced, high pressure environment -- when  
12 did that start? When did you start having  
13 difficulty working in a fast-paced, high pressure  
14 environment; do you recall?

15          A. How far back we can go? When Greg  
16 Cochran was my manager.

17          Q. And what time period would that have  
18 been?

19          A. 2014 through the time he was -- 2014  
20 through -- yeah, 2014 until February of 2016.

21          Q. If you turn to the next page --

22          A. Uh-huh. (Affirmative). Yes, sir.

23          Q. I'm sorry. If you can go to number  
24 three -- question number three, it says that  
25 you're currently working Wednesday, Thursday and

1       July, but I still would have to go back. I'm not  
2       going to give you a falsified date.

3           Q. Okay. So the best you can recall is  
4       late June, early July 2019?

5           A. Yes, sir.

6           Q. All right. And would you have reviewed  
7       your doctor's responses to the questions  
8       contained in this document?

9           A. Correct.

10          Q. All right. And when you saw that your  
11       doctor indicated that you could return to  
12       full-time work as of September 23, 2019, did you  
13       call up your doctor and disagree with her?

14          A. No, sir, because I was already  
15       disgruntled. This is almost two months after I  
16       was terminated. I was highly upset at Schneider.

17          Q. Did you contact the Hartford and tell  
18       them that you didn't think that you thought you  
19       could return to full-time work prior to September  
20       23, 2019?

21          A. When I called the Hartford and told them  
22       I was terminated, they was dismayed and they  
23       couldn't believe I was terminated. I understand.  
24       I understand.

25          Q. When you received this document and your

1 physician wrote that you could return to  
2 full-time work on September 23, 2019, did you  
3 contact the Hartford and tell them that you  
4 disagreed with that?

5 A. No, sir.

6 Q. Ms. Geter, are you aware of any area  
7 planning managers who requested a reduced work  
8 schedule for approximately six months?

9 A. To my knowledge, yes, sir.

10 Q. Who?

11 A. Tiffany Kitchens and the young lady we  
12 spoke about earlier with the cancer treatment,  
13 Candis Smith.

14 Q. Anyone else?

15 A. Other than maternity leave for  
16 Audrianne. She was pregnant twice, so that's a  
17 six to eight-week time period on that. But other  
18 than that, that's it.

19 Q. Okay. And Audrianne, she was out on  
20 leave due to the birth of her children; is that  
21 right?

22 A. Yes, sir. Correct.

23 Q. And she was out on a continuous leave of  
24 absence for six to eight weeks; is that your  
25 understanding?

1           A. Correct.

2           Q. Okay. And do you know whether or not  
3        those absences were covered under the FMLA?

4           A. Yes, they were.

5           Q. Okay. And those are the leaves to which  
6        you're referring with respect to Ms. Williams; is  
7        that correct?

8           A. Yes, sir.

9           Q. All right. And Tiffany Kitchens, what  
10      job position did she have?

11          A. Area planning manager, first shift.

12          Q. First shift?

13          A. Yes, sir.

14          Q. And do you know who she reported to?

15          A. Doug Horton -- I'm sorry. Rodney Dunn,  
16        because she was over Jacksonville.

17          Q. Rodney Dunn?

18          A. Yes. I'm sorry. R-o-d-n-e-y; D-u-n-n.

19          Q. And do you know what her regular work  
20        hours would be?

21          A. Her hours she'll come in at 6:30 in the  
22        morning and leave at 4:30 in the evening. 3:30  
23        to 4:30 depending on what's going on in her  
24        market.

25          Q. And how do you know that?

1           A. Because I was on third shift and I had  
2 transferred the markets. If I had her markets  
3 the night before, I'm the person she has to talk  
4 to. Third and first shift communicates --

5           Q. Do you --

6           A. Uh-huh. (Affirmative). Go ahead. I'm  
7 sorry.

8           Q. Do you know what days of the week she  
9 would work?

10          A. It was Monday through Friday because  
11 first shift never worked weekends. They just --

12          Q. She worked a Monday --

13          A. I'm sorry.

14          Q. -- through Friday schedule, 6:30 a.m. to  
15 3:30, 4:30 p.m.?

16          A. Yes, sir.

17          Q. Okay. And when -- when do you believe  
18 she took a reduced -- or started working a  
19 reduced schedule?

20          A. I believe that was -- I started noticing  
21 it around, like, July or August of 2018.  
22 Everybody started noticing she wasn't coming to  
23 work a lot, and then we just started inquiring is  
24 she okay, and then we found out she was out on  
25 leave.

1 Q. Do you know why she was out on leave?

2 A. Her parents were ill, and she was going  
3 through a mental distress as well -- mental  
4 health distress as well.

5 Q. Do you know if she took time off under  
6 the FMLA?

7 A. Yeah. I didn't see her for, like, a  
8 good month to two months almost.

9 Q. Do you know one way or the other whether  
10 she took time off under the FMLA?

11 A. No, sir. But for that time -- that  
12 amount of time, we don't have that amount of time  
13 on our time off for personal time off. We're  
14 only allotted -- she was hired -- rehired August  
15 of 2014 a month after me, so that's how I know I  
16 have the seniority far as time-wise. How we get  
17 our time, we get on that same scale, so we had  
18 the same amount of time. So she wasn't allotted  
19 that. In order to be out that amount of time you  
20 have to be on FMLA.

21 Q. And you said you believe that she was  
22 not coming into work a lot beginning in July or  
23 August of 2018; is that right?

24 A. Yes, sir. She was starting to work  
25 reduced hours. Like her days instead of five

1 days, you'll see Tiffany three days a week.

2 Q. And how long was she working a -- do you  
3 believe she was working a reduced schedule?

4 A. For a while. Even when I came back on  
5 July -- in January she was doing at least once a  
6 week she wasn't coming in to help with her  
7 parents, I believe.

8 Q. Do you know if she had any time  
9 available under the FMLA during the July, August  
10 2018 through January 2019 time period?

11 A. No, sir. That was none of my business.

12 Q. Do you know what specific days she was  
13 off during the July 2018 through January 2019  
14 time period?

15 A. No, sir, not specifically.

16 Q. Do you know the specific circumstances  
17 of her time off during the July 2018 through  
18 January 2019 time period?

19 A. The reason for her time being off? Is  
20 that the premise of the question?

21 Q. Do you know the specific -- I'll  
22 rephrase it.

23 Do you know the specific days that she would  
24 have been off during the July 2018 through  
25 January 2019 time period?

1           A. No, sir, I do not recall that, but I do  
2 remember when she first -- when it first started  
3 becoming noticeable, she was missing days, like a  
4 few weeks at a time and we was looking for her,  
5 like making sure she was okay.

6           Q. And you believe --

7           A. Inquiring as a team. Uh-huh.  
8 (Affirmative).

9           Q. Do you believe Ms. Kitchens returned to  
10 a full-time schedule in January of 2019?

11          A. No, sir.

12          Q. No, sir? I'm sorry?

13          A. No, sir.

14          Q. When do you believe she returned to a  
15 full-time schedule?

16          A. I just know on certain days until the  
17 time I was terminated, Tiffany was allowed to  
18 work at home some days and she was off on some  
19 days. So I don't have a specific time period for  
20 that. Travis would definitely know that, and  
21 Rodney would know that.

22          Q. So you don't know when she would have  
23 returned to a full-time schedule; would that be  
24 an accurate statement?

25          A. Yes, sir, that's correct.

1           Q. You weren't charged with approving any  
2 of her time off, were you?

3           A. I'm sorry?

4           Q. You weren't charged with approving any  
5 of her time off; is that correct?

6           A. No, sir, I was not.

7           Q. Okay. And you wouldn't have access to  
8 her time records as to when she had -- when she  
9 took time off; is that correct?

10          A. That is correct. Only management and HR  
11 has those abilities.

12          Q. And is it your understanding that  
13 Ms. Kitchens instead of working five days a week  
14 was working a set schedule of four days a week or  
15 three days per week?

16          A. Correct.

17          Q. That was your understanding; it was a  
18 set schedule?

19          A. It wasn't a set schedule, not to my  
20 understanding. It was just when I saw her, I  
21 started noticing, oh, she's only here twice a  
22 week, oh, she's here three days a week, but it  
23 wasn't a set schedule.

24          Q. Do you know if Ms. Kitchens had  
25 requested any type of a workplace accommodation

1       during the July 2018 through January 2019 time  
2       period?

3           A. No, sir, not to my knowledge.

4           Q. Do you know who would've approved any  
5       requests by Ms. Kitchens to work a reduced  
6       schedule?

7           A. Yes. Rodney Dunn and Marianne  
8       Biskey-Rose.

9           Q. What is Ms. Kitchens' race?

10          A. Caucasian.

11          Q. Okay. Other than Ms. Kitchens -- one  
12       second. You mentioned Ms. Kitchens and Candis  
13       Smith --

14          A. Yes, sir.

15          Q. -- you believe were permitted to work a  
16       reduced schedule, right?

17          A. Yes, sir. And also, can I add one more  
18       person? I'm sorry.

19          Q. Sure.

20          A. Sarah Kopf, she was allotted to --  
21       during her divorce and dealing with her children  
22       during that time period, she was allotted to help  
23       with her schedule to work from home remotely when  
24       she couldn't have childcare if her ex-husband  
25       couldn't ascertain the kids at that time. So she

1       would request to work from home on those  
2       particular days even afterwards after I left. I  
3       know of this because she told me herself. She  
4       was like, yeah, Travis had to let me take off on  
5       this day. I was like, oh, okay.

6           Q. And we've already discussed Ms. Smith  
7       and the circumstances surrounding her time off;  
8       is that correct?

9           A. Yes, sir.

10          Q. And Sarah Kopf, who did she report to?

11          A. Travis Torrence, Doug Horton and  
12       Marianne Biskey-Rose. That's her chain of  
13       command.

14          Q. All right. And you said that she was  
15       permitted to work from home?

16          A. Yes, sir.

17          Q. Do you know if Ms. Kopf ever worked a  
18       reduced schedule?

19          A. Not a reduced schedule, to my knowledge,  
20       but she was -- when days where she needed to work  
21       remotely, they granted it to her.

22          Q. And what shift did she work?

23          A. Second shift.

24          Q. Other than Ms. Kitchens and Ms. Smith,  
25       any other area planning manager whom you believe

1       was permitted to work a reduced schedule?

2           A. No other person in the office had any  
3       other medical or any other issues that I remember  
4       that was out like that, so no, sir.

5           Q. And you said that Ms. Kopf was permitted  
6       to work from home. Do you know how long she was  
7       permitted to work from home? How long this  
8       accommodation was provided?

9           A. All the way into COVID.

10          Q. When did it start?

11          A. When did she start working? So it had  
12       to be around, I believe, spring -- no, fall of 20  
13       -- no. It was starting spring of 2018 she was  
14       having difficulties with her ex-husband around  
15       that time with the scheduling with the kids, and  
16       then if a scenario popped up with the kids --  
17       that was give or take once or twice a month from  
18       that point on and then she'll work from home on  
19       those days. Yeah, she'll work from home.

20          Q. So with respect to Ms. Kopf, it's your  
21       testimony that beginning in the spring of 2018,  
22       she was permitted to work from home one or two  
23       days a month to care for her children?

24          A. To help accommodate. Yes, sir. Working  
25       remote from home. Uh-huh. (Affirmative).

1           Q. She was permitted to work from home one  
2       or two days a month from the spring of 2018 until  
3       the start of COVID?

4           A. Yes, sir. And then the entire staff was  
5       remote.

6           Q. And that would have been the spring of  
7       2020 would be the start of COVID?

8           A. Yes, sir.

9           Q. Okay. So it's your testimony that from  
10       the spring of 2018 to the spring of 2020 Ms. Kopf  
11       was permitted to work from home one or two times  
12       a month to care for her children?

13          A. Yes, sir.

14          Q. What evidence do you have in support of  
15       your contention?

16           MS. LEGARE: Objection.

17          A. I spoke with her on the phone  
18       personally. Like she'd checked on me and I'd  
19       check on her and the kids, just how we always  
20       did, and she'd bring it up in conversation.  
21       Yeah, I had to take off on this day or I had to  
22       work from home. I'm like, oh, okay.

23       BY MR. MILIANTI:

24          Q. So she would tell you in conversations  
25       that she would have to work from home?

1           A. Yes, sir.

2           Q. And you deduced based on those  
3 conversations that it was one or two times a  
4 month?

5           A. Yes, sir. Because she would tell me --

6           Q. Any other evidence you have in support  
7 of your contention that she was permitted to work  
8 from home one or two days a month since from the  
9 spring of 2018, spring of 2020?

10          A. No, sir. The evidence would have to  
11 come from Schneider on that part. Because our  
12 logins on our laptop shows where we log in at.

13          Q. Other than Ms. Kopf, any other area  
14 planning managers you believe were permitted to  
15 work from home?

16          A. Due to what circumstance? Can I ask  
17 that question for you?

18          Q. Sure. Any area planning managers who  
19 were permitted to work from home on any type of a  
20 regular basis?

21          A. The entire staff there.

22          Q. The entire staff regularly worked from  
23 home?

24          A. Not regularly, but they didn't have a  
25 problem if you've called out sick if you didn't

1       want to use your sick leave, or let's say you was  
2       out of town when you couldn't make it back in  
3       town, but you took your laptop with you, which  
4       some people would do, and you'd be like, hey, I  
5       can't make it. I'm working in North Carolina  
6       this week. Okay. And they'd allow them to work  
7       remotely.

8           Q. Are you aware of any area planning  
9       managers who were permitted to work from home one  
10      day per week?

11           A. As a schedule?

12           Q. Yes.

13           A. No, sir.

14           Q. Were you aware of any area planning  
15       managers who were permitted to work from home one  
16       day every two weeks?

17           A. No, sir. Other than what I saw from  
18       Tiffany Kitchens, like from what I saw, no.

19           Q. Would it be accurate to say that area  
20       planning managers were permitted generally to  
21       work from home if they were ill or if some type  
22       of an emergent circumstance came up --

23           A. Yes, sir.

24           Q. -- would that be accurate?

25           A. Yes, sir. Because they even had us

1 leave the premise when, like, we have tornado  
2 warnings in the area. They have us move from  
3 that location because we're in a triple wide  
4 trailer to the hotel, like, two miles away to be  
5 in a commercial building instead of going home.  
6 So they'll have us probably go there if it's like  
7 a storm, but still work remotely. And if the  
8 storm gets too bad, they'll tell everybody to go  
9 home once it's permissible. And then if we had  
10 ice or sleet and Atlanta shuts down for that, we  
11 can work from home. And that happened on two  
12 occasions -- three occasions while I was employed  
13 with Schneider for five years just with the ice  
14 alone.

15 Q. Do you know if your position was  
16 replaced or if somebody replaced you?

17 A. Ryan Wheeler was moved from first shift  
18 to third shift to cover me.

19 Q. How do you know that?

20 A. Because he told me.

21 Q. Do you know if anyone was hired to  
22 replace your position on third shift?

23 A. I can't remember her name. I don't know  
24 if she's no longer there, but it was a young lady  
25 they hired right after me to cover my shifts.

1 management -- even though management -- I know  
2 they are allotted the same amount of time as us  
3 sometimes, like the -- your time is dependent on  
4 your seniority and stuff.

5 So when I started noticing when my  
6 management team started taking off more and  
7 leaving us, you know, when we needed help  
8 sometimes, and then I started noticing my other  
9 coworkers of other races was taken off more or  
10 they had certain circumstances and they were  
11 accommodated. I just took note of that -- mental  
12 note of it.

13 Q. So you believe you were discriminated  
14 against because of your race because your  
15 management team was permitted to take more time  
16 off than you?

17 A. Not just me, just the entire staff. I  
18 noticed that Travis, I believe, was off that year  
19 -- because I looked at the calendar, I looked at  
20 the days and I counted one night everybody's time  
21 and it was 80 -- I think it was 82 days total  
22 around that time. I knew he was covering for  
23 Candis because she was out with her cancer  
24 treatment, and then at that time, he was just  
25 doing a lot of schedule maneuvering to

1       accommodate for second shift. So I knew why he  
2       was taking a lot of time to, you know, make up  
3       that time, but then at same time we're only  
4       allotted maybe 25, 35 days a year.

5           Q. And you said that the management team  
6       was permitted to take more time off than all the  
7       other area planning managers; is that right?

8           A. That's correct.

9           Q. Okay. And some of those area planning  
10      managers were white; is that right?

11          A. Yes, sir.

12          Q. Okay. Other than your belief that your  
13      management team was permitted to take more time  
14      off than area planning managers, any other ways  
15      in which you believe you were discriminated  
16      against because of your race?

17          A. I looked at my circumstances with  
18      Tiffany Kitchens because we were hired around the  
19      same time and I looked at how she was treated  
20      compared to how I was treated. At the end she's  
21      still employed, I'm not.

22          Q. Why do you believe that's tied to your  
23      race?

24          A. [Inaudible] -- I might not know the  
25      circumstances in particular with her specific

1 days off, but from my review of my environment,  
2 she was being treated better, in my opinion,  
3 because she still has her job.

4 Q. You believe she still has her job  
5 because she's white; is that your testimony?

6 A. Yeah.

7 Q. And how do you believe she was treated  
8 better than you?

9 A. She's working, I'm not. And I saw that  
10 when she was off at that time, they accommodated  
11 her and they accommodated me, but then in the end  
12 I didn't have a job and I was working on my  
13 mental health.

14 Q. So you believe she was treated more  
15 favorably than you because she was accommodated  
16 and you were not?

17 A. Correct. The entire management team is  
18 white.

19 Q. Well, is that your basis for believing  
20 you were treated differently because of your race  
21 because you're black and the management team is  
22 white?

23 A. Yes, sir.

24 Q. All right. And do you have any evidence  
25 in support of your position that you were treated

1 differently because of your race other than the  
2 management team is white?

3 A. Can you rephrase that for me? I'm  
4 sorry.

5 Q. Sure. Do you have any evidence to  
6 support of your race discrimination claim other  
7 than the fact that the management team is white  
8 and you're black?

9 A. So Tiffany was the main person I was  
10 looking at that, and then also how they  
11 accommodated Sarah Kopf. I had way more  
12 seniority than Sarah. I helped train Sarah, and  
13 then when she needed anything for her family or  
14 her needs, they accommodated her without a  
15 question of a doubt.

16 Q. So you believe you were discriminated  
17 against -- strike that.

18 You believe you were discriminated because  
19 of your race because Sarah and Tiffany were  
20 accommodated for their conditions and you were  
21 not; is that your testimony?

22 A. Yes, sir. To a certain extent because  
23 they accommodated me until April 12th.

24 Q. Okay. Any other evidence you have in  
25 support of your race discrimination claim other

1 rearrange the schedule after they terminated me  
2 to put him back on third, because he was one of  
3 the people that understood the shift, as well as  
4 I did and Desmond Seymour. I was the --

5 Q. Any other way --

6 A. -- the lead on third shift.

7 Q. Any other ways you believe Mr. Wheeler  
8 will support your claims in this lawsuit?

9 A. I believe Ryan can just tell his side  
10 from his viewpoint and he will -- I think he will  
11 concur with the fact that it was some racial  
12 tension -- not tension, but you can see the  
13 little racial things they played in the office  
14 and they thought no one could pay attention to  
15 this.

16 Q. Who is Jowayn Worrell?

17 A. Jowayn Worrell is my boyfriend.

18 Q. What information does he have in support  
19 of your claims against Schneider?

20 A. He witnessed me go through my breakdown  
21 after I was terminated.

22 Q. Anything else?

23 A. He can tell you as from his perspective  
24 how he saw things from a driver's perspective.

25 Q. Is Mr. Worrell still employed by

# CONFIDENTIAL MEDICAL RECORDS

EXHIBIT

9

exhibitsticker.com

## FAX TRANSMISSION COVER SHEET

DATE: October 22, 2018

TO: The Hartford

FAX: 1-866-411-5613

RE: Cierra Geter

SENDER: Dr. Cassandra Wanzo

YOU SHOULD RECEIVE 4 PAGE(S), INCLUDING THIS COVER SHEET.

# CONFIDENTIAL MEDICAL RECORDS

Please fax the completed form to:  
 Fax Number: 866-411-5613  
 The Hartford  
 P.O.Box 14301  
 Lexington, KY 40512-4301  
 Email: APUpload@thehartford.com

## ATTENDING PHYSICIAN'S STATEMENT (For Mental Health Claims)



### To Be Completed By The Employee

Patient Name:	Date of Birth:	Insured ID Number:
Cierra Geter		

Doctor's Name / Clinical Title Date of Birth

### To be completed by the Provider - (The patient is responsible for the completion of this form without expense to the company)

Is the condition related to environmental and/or interpersonal issues in his/her workplace?  Yes  No

If "Yes," explain: *Lack of staffing, verbally abusive driver*

If yes, can he / she perform the same job at a different location / employer?  Yes  No

Are these issues causing a disincentive to return to work with current Employer?  Yes  No

### DIAGNOSIS:

Primary Condition: *Major Depressive D. Psych* DSM or ICD Code: *396.23*

Secondary Condition: \_\_\_\_\_ DSM or ICD Code: \_\_\_\_\_

### Patient Assessment Measures

WHODAS Score: \_\_\_\_\_

Domain I \_\_\_\_\_ Domain II \_\_\_\_\_ Domain III \_\_\_\_\_ Domain IV \_\_\_\_\_ Domain V \_\_\_\_\_ Domain VI \_\_\_\_\_  
(Provide completed assessment questionnaire)

Other Assessment Measures - please list the measure scale and provide score (attach test results):

Current Self Reported Symptoms: *impaired memory and concentration, anorexia, energy, abdominal pain, irritability, suicidal ideation, (de) frustration, crying spells*

Current Observed Symptoms (Clinical presentation, frequency, severity, examples):

*Depressed mood, psychomotor retardation, crying spells*

### CURRENT MENTAL STATUS EXAMINATION

(Please circle or check current status or explain in "Comments")

Examination Date: *10/6/18*

Category	Description					Comments
Appearance	<input type="checkbox"/> Well groomed	<input checked="" type="checkbox"/> Disheveled				
Attitude	<input checked="" type="checkbox"/> Cooperative	<input type="checkbox"/> Guarded	<input type="checkbox"/> Suspicious	<input type="checkbox"/> Uncooperative	<input type="checkbox"/> Belligerent	
Speech	<input type="checkbox"/> Normal	<input checked="" type="checkbox"/> Halted	<input type="checkbox"/> Pressured	<input type="checkbox"/> Slurred	<input type="checkbox"/> Incoherent	
Thought Process	<input type="checkbox"/> Logical/Coherent	<input type="checkbox"/> Tangential	<input type="checkbox"/> Flight of ideas	<input checked="" type="checkbox"/> Circumstantial		
Mood	<input type="checkbox"/> WNL	<input checked="" type="checkbox"/> Depressed	<input type="checkbox"/> Anxious	<input type="checkbox"/> Irritable	<input type="checkbox"/> Euphoric	
Affect	<input type="checkbox"/> Congruent	<input type="checkbox"/> Incongruent	<input checked="" type="checkbox"/> Blunted	<input type="checkbox"/> Flat	<input type="checkbox"/> Labile	
Insight into illness	<input type="checkbox"/> Absent	<input type="checkbox"/> Fair	<input checked="" type="checkbox"/> Good			
Psychomotor Activity	<input type="checkbox"/> WNL	<input type="checkbox"/> Agitation	<input checked="" type="checkbox"/> Retardation			
	Please check the statement that indicates how this was assessed?					
Attention	<input type="checkbox"/> Intact	<input type="checkbox"/> Impaired:	<input type="checkbox"/> mild	<input type="checkbox"/> moderate	<input checked="" type="checkbox"/> Severe	<input checked="" type="checkbox"/> Observed <input type="checkbox"/> Tested <input checked="" type="checkbox"/> Self-Reported
Concentration	<input type="checkbox"/> Intact	<input type="checkbox"/> Impaired:	<input type="checkbox"/> mild	<input type="checkbox"/> moderate	<input checked="" type="checkbox"/> Severe	<input checked="" type="checkbox"/> Observed <input type="checkbox"/> Tested <input checked="" type="checkbox"/> Self-Reported
Memory	<input type="checkbox"/> Intact	<input type="checkbox"/> Impaired:	<input type="checkbox"/> mild	<input type="checkbox"/> moderate	<input checked="" type="checkbox"/> Severe	<input checked="" type="checkbox"/> Observed <input type="checkbox"/> Tested <input checked="" type="checkbox"/> Self-Reported

### CHANGES:

Indicate how this is a change from the patient's baseline. If the condition is chronic or long term, what and when did change occur?

*Previously able to function on job, interact with others, socially active. Previously not suicidal.*

# CONFIDENTIAL MEDICAL RECORDS

Patient Name:

Cilvng  
Gefter

Date of Birth:

Insured ID Number:

**FUNCTIONALITY:**Did you recommend your patient stop working?  Yes  No If Yes, on what date? 10/11/28Are the symptoms of such severity to preclude the patient from social / occupational functioning?  Yes  NoWhen did the symptoms become severe enough to preclude social / occupational functioning? Sept. 30, 2018If Yes, specify what work activities are impaired and how: unable to perform duties as a dental hygienist, able to interact with others, able to operate keyboard and mouse, othersWhat is the expected duration of any work activity impairments? 6-8 weeksHave you discussed a return to work goal with your patient?  Yes  No If No, please explain:Tentative return to work date 11/27/18

What are your patient's current abilities? What type of work can your patient perform?

unable to perform any duties currentlyWhat is your target date for return to work for your patient? 11/27/18  Full time  Part time

If part time, on what date will your patient be able to increase to full time?

If appropriate, provide examples of accommodations that would allow your patient to return to work:

Increased staffing to meet the current demandsIn your opinion is the patient competent to endorse checks and direct the use of the proceeds thereof?  Yes  No

Additional comments:

**TREATMENT:**

Date of onset of disability:	Date you first treated this patient for any condition:
------------------------------	--

9/30/18	10/6/18
---------	---------

Date you first treated this patient for this condition:	Date of onset of this condition:	Frequency of treatment:
---	----------------------------------	-------------------------

10/6/18	9/30/18	1-2 weeks
---------	---------	-----------

List relevant treatment dates:
--------------------------------

10/6/18
---------

Date of last office visit:	Date of next office visit:
----------------------------	----------------------------

10/6/18	10/27/18
---------	----------

phone consultation

10/21/18

# CONFIDENTIAL MEDICAL RECORDS

claim #

to Be completed  
by Dr  
Peter  
Re work

Patient Name:

Lisvna Peter

Date of Birth:

## TREATMENT CONTINUED:

Has patient been referred to any other mental health providers/physicians?

If "yes", please provide the following information:

Provider Name: \_\_\_\_\_ Ph. number: ( ) \_\_\_\_\_

Provider Address: \_\_\_\_\_

Are you coordinating care with this provider?  Yes  No

Was patient hospitalized or treated at a higher level of care for this condition?  Yes  No

If "yes", please provide information about any higher level of care:

Inpatient: Hospital/facility name \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

Admission date: \_\_\_\_\_ Discharge date: \_\_\_\_\_

Partial Hospital/Day Treatment/IOP: Hospital/facility name \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

Admission date: \_\_\_\_\_ Discharge date: \_\_\_\_\_ Number of days per week: \_\_\_\_\_ Number of hours per day: \_\_\_\_\_

Residential: Facility name: \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

Admission date: \_\_\_\_\_ Discharge date: \_\_\_\_\_

Medication (dose, change, date of change):

1/6/18 Due (6) trin SR 150mg for sever day  
Then 300mg it qm

Q Ambien 5mg at bedtime

Q Able to sleep w/ Ambien  
Q slight decrease in depressed mood

STATUS (Please check one):  In remission  Improved  Unchanged  Retrogressed

Please provide a description of the most significant recent improvement and / or decompensation:

Sleep improved, slight improvement  
in mood

## PROVIDER'S INFORMATION:

Provider's Name:	Cassandra Wenzel MD	Specialty:	Psychiatry	License Number:	033165
Address: (Street, City, State & Zip Code)	602 Bombay Lane Roswell 30076			Telephone number:	678 566-1440
Degree:	MD	Social Security Number or EIN Number:	58-2166381	Fax Number:	678 566-1442
Office Contact:	HS Kelly Jordan			Office Contact Phone:	678 566-1440
Provider's Signature:	C. Wenzel MD			Date Signed:	10/22/18

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Deposition of:  
**Ashley Marie Janssen**

*April 8, 2021*

In the Matter of:  
**Geter, Cierra v. Schneider National  
Carriers Inc.**

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800.808.4958 | [calendar-atl@veritext.com](mailto:calendar-atl@veritext.com) | 770.343.9696

Page 7

1 Q Okay. Are you on any medications  
2 that might affect your memory or make you sleepy?

3 A No.

4 Q And have you seen Ms. Geter's  
5 deposition transcript?

6 A Yes.

7 Q Okay. Have you read the whole thing?

8 A I have only read the first couple of  
9 pages.

10 Q And you actually don't know  
11 Ms. Geter; right?

12 A No, I've never met her.

13 Q She said the same thing. I just  
14 wanted to confirm. Let's see.

15 Are you still employed with  
16 Schneider?

17 A Yes, I am.

18 Q And tell me your employment history  
19 with Schneider?

20 A I started with Schneider in 2012. I  
21 started as a corporate recruiter, and I did full  
22 cycle recruiting for intermodal and other areas,  
23 and also was the relationship partner for our  
24 contingent staffing firm, Kelly Services, so over  
25 many different temps, temps throughout the US as

Page 8

1 well. I did that for two years.

2                   Then I moved into an associate HR  
3 business partner role. I did that for about four  
4 years, worked specifically on human capital,  
5 performance management, associate relations,  
6 accommodations. I had about 3,000 plus  
7 associates throughout the US and Canada that I  
8 supported, but our total group had about 5,800  
9 drivers and about 800 office associates that I  
10 helped indirectly support.

11                  And then in 2018 I took the role I'm  
12 in today as a HR business partner senior, a  
13 promotional role from --

14                  (Audio distortion.)

15                  THE COURT REPORTER: I'm sorry. The  
16 audio cut. The last part I heard was, "a  
17 promotional role from."

18                  THE WITNESS: Took the HR business  
19 partner senior role as a promotional role from  
20 the associate HR business partner role or my  
21 previous role.

22 BY MS. LEGARE:

23 Q                And, Ms. Janssen, what are your job  
24 duties in your current role?

25 A               So I work with the team, I support

Page 11

1 respect to leave management?

2 MR. MILIANTI: Object to the form.

3 THE WITNESS: I am involved once  
4 family medical leave has expired, but we have an  
5 HR leave team that handles all of our leaves.

6 BY MS. LEGARE:

7 Q So is it fair to say that you become  
8 involved once FMLA is expired and employees might  
9 need accommodations under the Americans with  
10 Disabilities Act?

11 A Correct.

12 Q All right. When is the first time,  
13 understanding that you have never met Ms. Geter,  
14 when is the first time that you became involved  
15 with Ms. Geter's employment with Schneider?

16 A First time I was involved with her  
17 was in January of 2019.

18 Q So would that have been related to  
19 her first request for accommodation?

20 A Correct.

21 Q And what is your role with respect to  
22 employee requests for accommodations?

23 A I specifically work with the leaders  
24 to understand if we can accommodate the  
25 associates.

Page 12

1 Q Do you consider yourself a  
2 decisionmaker with respect to whether an employee  
3 can be accommodated?

4 A No.

5 Q Would it be fair to say that you  
6 offer advisory services to the leaders with  
7 respect to accommodations?

8 A Yes.

9 Q And what is the request for  
10 accommodation process at Schneider?

11 MR. MILIANTI: Just object to the  
12 form of the question.

13 BY MS. LEGARE:

14 Q You can answer.

15 A Once the accommodation -- once the  
16 associate requests an accommodation, the human  
17 resources leave team will inform the leaders and  
18 the HR business partner, and then I will work  
19 with the leaders on multiple questions I'll ask  
20 them, to understand different forms or ways that  
21 we could possibly accommodate the associate, and  
22 we do that through a conversation.

23 And then once that's determined, the  
24 leaders would go back to the leave team and let  
25 them know if they can or cannot accommodate.

Page 13

1 Q Do you or does anyone in the  
2 accommodation process consult with any in-house  
3 lawyers or outside lawyers with respect to what  
4 the legal obligations are concerning a specific  
5 accommodation?

6 MR. MILIANTI: I'm just going to  
7 object to the form of the question. It's an  
8 incomplete hypothetical.

9 MS. LEGARE: I'm not really sure how  
10 it's incomplete, but let me see if I can make it  
11 complete.

12 BY MS. LEGARE:

13 Q Once you receive a request for  
14 accommodation from an employee and it's either  
15 sent to you -- well, it's sent to you, let's say  
16 in this case, by the leave management team, in  
17 providing advice on the accommodation in  
18 question, do you or the leaders or anyone that  
19 you're aware of consult with an in-house legal  
20 team or outside legal regarding the  
21 accommodation?

22 MR. MILIANTI: Object to the form.  
23 Go ahead and answer.

24 THE WITNESS: In some cases.

25 BY MS. LEGARE:

Page 14

1 Q Okay. Do you recall sitting here  
2 today whether, with respect to Ms. Geter, you  
3 consulted with in-house legal or outside legal on  
4 her accommodations?

5 A I do not recall.

6 Q And as HR business partner, do you  
7 perform an undue burden analysis to determine  
8 whether an accommodation can be made?

9 MR. MILIANTI: Object to the form of  
10 the question. Legal conclusion as to undue  
11 burden. You can answer if you understand the  
12 question.

13 THE WITNESS: I don't understand the  
14 question.

15 BY MS. LEGARE:

16 Q Well, under the ADA, if an employee  
17 needs an accommodation, the only way it can be  
18 rejected is if it's an undue burden on the  
19 business and that analysis has to be done. Do  
20 you know if that was done in this case?

21 MR. MILIANTI: Object to the form of  
22 the question. Calls for legal conclusion and  
23 misstates the ADA and the accommodation process.

24 MS. LEGARE: Not in the 11th Circuit  
25 it doesn't, but go ahead.

Page 15

1 BY MS. LEGARE:

2 Q You can answer to the extent you  
3 know.

4 A I'm not aware.

5 Q And I think you said you have  
6 discussions with the leaders about whether an  
7 employee can be accommodated. Do you take notes  
8 of the conversations with the leaders?

9 A I will take my own personal notes,  
10 yes.

11 Q Do you know if you took any notes  
12 during your conversations with Mr. Torrence or  
13 Ms. Biskey Rose in this case?

14 A I don't have any in this case other  
15 than whatever I had in an email chain back and  
16 forth.

17 Q Do you know whether Schneider has a  
18 remote work policy? And I'm talking about in  
19 2019, not now. Obviously COVID has changed  
20 everything.

21 A I don't recall 2019 if we did or not.

22 Q Do you currently have a  
23 work-from-home policy?

24 A We currently have a flexible work  
25 schedule policy.

Page 16

1 Q And what is the policy now?

2 A I don't have it in front of me right  
3 now.

4 Q Does that flexible work schedule  
5 policy also include provisions for working less  
6 than 40 hours a week?

7 A Yes.

8 Q But you don't know if that policy was  
9 in effect in 2019?

10 A I do not.

11 Q In your role, and I'm going to  
12 apologize, you said is it senior --

13 A Yep, human resources business  
14 partner.

15 Q Okay. Do you play any role in  
16 drafting job descriptions?

17 A I do. I do.

18 Q And what role do you play in drafting  
19 job descriptions?

20 A We -- I review the job descriptions  
21 for the ADA and type of job that it is.

22 Q When you say you review it for ADA,  
23 what do you mean?

24 A I review it to ensure that the  
25 essential functions of the job are something that

Page 18

1 have within the organization, and inform them if  
2 processes or policies have changed.

3 Q Do you do any training for leaders on  
4 FMLA or Schneider's FMLA policies?

5 A I do not.

6 Q Do you do any training for the  
7 leaders on request for accommodation under the  
8 Americans with Disabilities Act?

9 A I do not do specific training, no.

10 Q And I believe in 2020, somewhere in  
11 the first or second quarter, the APMs that were  
12 based out in the field were brought back to Green  
13 Bay to work. Were you involved in that at all?

14 A Yes.

15 Q What was your role?

16 A My role was to partner with the  
17 leaders to put together communication plans,  
18 change management plans, timelines, understand  
19 what other jobs are available for associates,  
20 what options are available for associates as we  
21 make that transition throughout the next six  
22 months.

23 Q So it was a six-month process?

24 A Correct.

25 Q And I understand, I spoke with

Page 19

1 Mr. Torrence a couple of days ago, and I  
2 understand that at least with respect to  
3 Fairburn, which is, you know, the relevant area  
4 here, all of the APMs were considered for open  
5 positions, and if they were not put in the open  
6 positions, then they were offered transfers to  
7 Green Bay.

8 Is that the process as far as you  
9 understood it?

10 A Correct. They were actually offered  
11 Green Bay roles first because that is the same  
12 role they were doing. And then if they weren't  
13 able to do that job or relocate, because we  
14 wanted to keep them in their roles, then we would  
15 offer them available roles within their location,  
16 and if that wouldn't work, we would look at other  
17 locations.

18 And if they weren't able to relocate  
19 or there were no roles available in other  
20 locations, yes, then we would work through a  
21 separation package.

22 Q Were there people whose positions,  
23 who were unable to be placed without relocation,  
24 were they given severance packages?

25 A Correct.

Page 22

1 how to use exhibit share, all you need to do is  
2 go on the marked exhibit share and click on the  
3 exhibit as I tell you number. If you will look  
4 at Exhibit 4.

5 A Okay.

6 Q Are you familiar with Exhibit 4?

7 A Yes.

8 Q And what is Exhibit 4?

9 A The job description of the area  
10 planning manager.

11 Q And I understand this is the job  
12 description that was in effect when Ms. Geter was  
13 employed.

14 Do you know if this job description  
15 has changed since the area planning manager  
16 position has been transferred to Green Bay?

17 A I believe so.

18 Q But this, as far as you know, is the  
19 one that was in effect when you were assisting  
20 with her request for accommodation; is that  
21 right?

22 A This was the one in effect, correct.

23 Q If you'd take a minute to read  
24 through that.

25 A Okay.

Page 22

1 how to use exhibit share, all you need to do is  
2 go on the marked exhibit share and click on the  
3 exhibit as I tell you number. If you will look  
4 at Exhibit 4.

5 A Okay.

6 Q Are you familiar with Exhibit 4?

7 A Yes.

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10 planning manager.

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12 description that was in effect when Ms. Geter was  
13 employed.

14 Do you know if this job description  
15 has changed since the area planning manager  
16 position has been transferred to Green Bay?

17 A I believe so.

18 Q But this, as far as you know, is the  
19 one that was in effect when you were assisting  
20 with her request for accommodation; is that  
21 right?

22 A This was the one in effect, correct.

23 Q If you'd take a minute to read  
24 through that.

25 A Okay.

Page 24

1 A I will be at the end of April.

2 Q Right now how many days a week are  
3 you working from the office?

4 A Four.

5 Q And one from home?

6 A Correct.

7 Q Do you know, and you may not, but do  
8 you have any idea whether, when these job  
9 descriptions are being drafted, whether the  
10 people drafting them consult with the people  
11 actually doing the jobs to see if these are the  
12 jobs that they're doing?

13 MR. MILIANTI: Object to the form of  
14 the question. Calls for speculation.

15 THE WITNESS: I can't confirm  
16 conversations.

17 BY MS. LEGARE:

18 Q Do you know, I understand that you're  
19 not part of leave management, at some point do  
20 you -- are medical-related -- let's just talk  
21 specifically in this instance.

22 The medical records with respect to  
23 Ms. Geter's request for accommodation, were those  
24 sent to you when she started requesting  
25 accommodations or to somebody else?

Page 26

1 drafting this letter?

2 A No.

3 Q Would you have seen this letter at  
4 the time that it was sent to Ms. Geter?

5 A No.

6 Q In December of 2018 Ms. Geter  
7 requested an accommodation. Do you recall that?

8 A I only got involved in January of  
9 2019.

10 Q Okay. So you were not involved in  
11 the initial approval for her request for  
12 accommodations?

13 A The only thing that I recall is once  
14 her FMLA expired, Travis had reached out to me to  
15 ask if he could accommodate. I would have to  
16 find the information to see if that was before  
17 January or after January.

18 Q So you said Travis reached out to  
19 you. What do you -- was that like by telephone  
20 or by email?

21 A Typically we do telephone or email.

22 Q Okay. If you recall, you may not, do  
23 you recall off the top of your head any specific  
24 conversations that you had with Mr. Torrence  
25 about accommodating Ms. Geter early in the

Page 27

1 process?

2 A All I recall is that he wanted to do  
3 everything he could to keep her employed and work  
4 through her accommodation, and I know he said he  
5 would approve the first accommodation, and then I  
6 know we did go through a second accommodation.  
7 That's what I'm aware of.

8 Q Okay. Did you personally have any  
9 conversations with Ms. Biskey Rose about  
10 Ms. Geter's accommodations?

11 A Not until the decision to -- that we  
12 couldn't continue to accommodate. So the last  
13 conversation she was involved with me, Travis,  
14 and herself.

15 Q Okay.

16 A I do not know the conversations she  
17 had with Travis and Marianne.

18 (Whereupon a document was identified as  
19 Exhibit 16.)

20 BY MS. LEGARE:

21 Q Right. If you will look at Exhibit  
22 16.

23 A Okay.

24 Q Can you tell me if you've seen this  
25 document, Ms. Janssen?

Page 28

1 A Yes.

2 Q Do you know when the first time you  
3 saw this was?

4 A I do not.

5 Q Do you know if it would have been  
6 while Ms. Geter was employed?

7 A Yes.

8 Q Okay. And in this document  
9 Ms. Geter's doctor says that she has clinical  
10 depression and posttraumatic stress disorder;  
11 right?

12 A Correct.

13 Q And I believe this is the request to  
14 extend her accommodation through March; right?

15 A Until March 19th, correct.

16 Q I think you said, and I don't want to  
17 put words in your mouth, but so at this point in  
18 time you would have been communicating with  
19 Mr. Torrence?

20 A What do you mean?

21 Q I think you said you only spoke with  
22 Ms. Biskey Rose after the last request?

23 A Right.

24 Q This request to extend through March  
25 was approved; correct?

Page 29

1 A Correct.

2 (Whereupon a document was identified as  
3 Exhibit 31.)

4 BY MS. LEGARE:

5 Q So let's look at Exhibit 31.

6 A Okay.

7 Q Does this refresh your recollection  
8 about when you first learned about Ms. Geter's  
9 need for accommodation when she returned to work?

10 A Yes.

11 Q It looks like the request was  
12 December 17, 2018; right?

13 A Yes.

14 Q It looks to me like this is the  
15 process you're talking about, HR leave management  
16 gets it and then sends it to you and to  
17 Mr. Torrence?

18 A Correct.

19 Q Do you recall one way or the other  
20 whether you had any conversations with  
21 Mr. Torrence? Because it looks like he replied  
22 pretty quickly that they could accommodate the  
23 restrictions; right?

24 A Correct.

25 Q Did he talk to you about that before

Page 30

1 he did it?

2 A I don't recall. We typically have  
3 phone conversations.

4 Q Got it. But at least in this case it  
5 looks like you learned of the request for  
6 accommodation around 8:47 in the morning and the  
7 accommodation was approved pretty quickly, you  
8 know, around lunchtime on that day?

9 MR. MILIANTI: Object to the form.

10 THE WITNESS: I'm not 100 percent  
11 sure because I don't have the recollection of our  
12 conversation.

13 BY MS. LEGARE:

14 Q Okay. But at least according to this  
15 email, though, at 1:33 p.m., you were talking  
16 about letting Ms. Geter know that her request had  
17 been granted; right?

18 A At that time I gave Travis the okay  
19 to communicate if he would like to accommodate.  
20 I can't confirm when that happened after that.

21 Q Right. Right. Right. That's not  
22 what I'm asking. All that I'm saying is at least  
23 as of Travis's email to you at 12:57 p.m., he  
24 said that they were able to accommodate; right?

25 A Correct. I have a different time in

Page 31

1 my document, but I have 1:33 that we said we  
2 would be able to communicate with her.

3 Q Right. But if you scroll down to  
4 emails below that, there is an email from  
5 Mr. Torrence to you at December 17, 2018, at  
6 12:57 p.m. saying we're able to accommodate the  
7 restrictions outlined below?

8 A Correct.

9 (Whereupon a document was identified as  
10 Exhibit 32.)

11 BY MS. LEGARE:

12 Q And then if you will look at Exhibit  
13 32?

14 A Okay.

15 Q Are you familiar with Exhibit 32?

16 A Yes.

17 Q And this email chain is -- the top  
18 two emails are dated January 21, 2019; right?

19 A Correct.

20 Q And the email from Anissa, is it  
21 Gauthier? Do you know how to pronounce her last  
22 name?

23 A Gauthier.

24 Q Gauthier. Okay. The email from  
25 Ms. Gauthier to you and Mr. Torrence notified you

Page 32

1       that they received an updated return-to-work form  
2       that indicates a continuation of light duty three  
3       days per week through 3-19-2019; right?

4           A           Correct.

5           Q           Do you know what she meant by light  
6       duty? Is part-time work light duty?

7           A           I do not know what she meant by that.

8           Q           Okay. Do you know if Schneider has a  
9       light-duty policy?

10          A           I do not know off the top of my head.

11          Q           It looks like you emailed  
12       Mr. Torrence and cc'd Doug Horton at 10:30 a.m.  
13       asking their thoughts; right?

14          A           Correct.

15          Q           Do you know if they responded to you?

16          A           They more than likely -- actually,  
17       Travis more than likely picked up the phone and  
18       had a conversation with me, but this was back in  
19       '19, so I don't have the specifics.

20                   (Whereupon a document was identified as

21                   Exhibit 34.)

22       BY MS. LEGARE:

23          Q           If you'll look at Exhibit 34.  
24       Actually let me ask you a question before you  
25       look at that. Based on everything I've seen, the

Page 33

1 accommodation was extended to March 19, 2019, for  
2 Ms. Geter; right?

3 A Correct.

4 Q And if you will look at Exhibit 34,  
5 please.

6 A Okay.

7 Q And this looks like an email from  
8 Mr. Torrence to you on March 22, 2019; right?

9 A Correct.

10 Q And in the email Mr. Torrence wrote,  
11 "On Monday Anissa said that Cierra's doctor  
12 wanted to extend the 3-day restriction. She set  
13 up a call for us to discuss since we don't  
14 typically accommodate a restriction like that  
15 beyond 90 days."

16 Is there a policy that says certain  
17 accommodations will only be granted for 90 days?

18 A Not -- I'm not for sure. I'm not 100  
19 percent sure.

20 Q And do you know if it's -- if, in  
21 fact, there was a policy that said these  
22 restrictions would only be granted for 90 days,  
23 that's compliant with the ADA?

24 MR. MILIANTI: Object to the form of  
25 the question. Calls for a legal conclusion. I

Page 34

1 believe misstates her testimony as well.

2 BY MS. LEGARE:

3 Q You can answer.

4 A Can you rephrase the question?

5 Q Yeah. Well, do you have any  
6 knowledge about whether if Schneider actually has  
7 a policy that allows certain types of  
8 accommodations for only 90 days, whether that  
9 policy is compliant with the Americans with  
10 Disabilities Act?

11 MR. MILIANTI: Object to the form of  
12 the question. Calls for a legal conclusion.

13 THE WITNESS: I do not know off the  
14 top of my head.

15 BY MS. LEGARE:

16 Q This reports that Anissa was going to  
17 speak to see Cierra's doctor and see if there is  
18 truly a need for a 3-day restriction or if Cierra  
19 would be able to work a fourth day a different  
20 day of the week temporarily, or if a 5-day  
21 schedule would work.

22 Do you know if anyone ever spoke with  
23 Ms. Geter's doctor about her need for continued  
24 accommodations?

25 A I know that Anissa was going to reach

Page 37

1 offered a transfer to a different shift at the  
2 time she needed an accommodation?

3 A I was told she was offered different  
4 shifts as well as different days of the week in  
5 order to see if she would be able to work  
6 something out.

7 Q Who told you that?

8 A That would be her leader.

9 Q Travis?

10 A Yes, in a phone conversation, I  
11 believe.

12 Q At some point did you learn that one  
13 of the possibilities was for Ms. Geter to work  
14 from home from time to time?

15 MR. MILIANTI: Object to the form.  
16 Misstates facts in evidence.

17 BY MS. LEGARE:

18 Q Schneider is saying that Ms. Geter  
19 requested to work from home as a part of her  
20 accommodation. Do you know whether that, in  
21 fact, happened?

22 A I do not.

23 Q And do you personally know how often  
24 employees in Fairburn worked from home?

25 A I do know the leaders have discretion

Page 38

1 to allow folks to work from home based on  
2 business needs, but I did not get involved in  
3 those decisions, the conversations, or the  
4 amounts of time that that happened. I know it's  
5 not consistent though. They're strictly one-off  
6 situations.

7 Q Were you aware that Mr. Torrence  
8 worked from home somewhere between 80 and 87 days  
9 in 2018?

10 MR. MILIANTI: Object to the form of  
11 the question. Assumes facts not in evidence.

12 BY MS. LEGARE:

13 Q You can answer.

14 MR. MILIANTI: That's a -- Cheryl,  
15 that's an inappropriate question. Go ahead.

16 MS. LEGARE: It's not an  
17 inappropriate question.

18 MR. MILIANTI: It is and you know it  
19 is, but go ahead. You can answer the question to  
20 the extent you know it based on nothing in the  
21 record.

22 THE WITNESS: I do not have  
23 visibility to Travis's schedule.

24 BY MS. LEGARE:

25 Q Do you know personally, either

Page 40

1 Q And it looks like the HR leave team  
2 did respond regarding the request for more  
3 information from Dr. Wanzo; right?

4 A Correct.

5 Q And they were not working until March  
6 30, 2019?

7 A According to that message, yes.

8 Q According to that. It looks like you  
9 gave that information to Mr. Torrence and just  
10 told him you would wait until the 30th; right?

11 A Correct.

12 Q Tell me, I think you said you had a  
13 call with Ms. Biskey Rose and Mr. Torrence  
14 regarding, and I think it was Ms. Geter had  
15 requested to continue to work three days a week  
16 until June 5th; right?

17 A Correct.

18 Q Tell me what you recall about the  
19 conversation with Ms. Biskey Rose and  
20 Mr. Torrence relating to that?

21 A I asked them if there was any  
22 possible way they could continue the  
23 accommodation past -- well, at this point we were  
24 already past, so this was the last approval, so  
25 continue to approve that schedule until June.

Page 41

1           They had said that they are not able  
2 to continue to carry the workload and the  
3 schedule and all of the work she's not able to do  
4 any longer. And I asked if there was other  
5 options for them to fill that work, i.e. a temp.

6           They had said, and I agreed, knowing  
7 I've had contingent staffing experience before,  
8 that due to the time it would take to get a temp,  
9 find a temp, train a temp and then place them on  
10 a support shift night by themselves would not be  
11 something we would be able to do not knowing if  
12 this is going to extend past June, seeing it's  
13 already extended three times.

14          Q         Was there some concern that it would  
15 take too long to find a temp?

16          A         Not finding the temp, training a  
17 temp, and then having a temp by themselves on  
18 that schedule.

19          Q         I mean, is there any reason that  
20 another employee couldn't have been moved to the  
21 solo shift and have the temp work the shift that  
22 was not solo?

23          A         If they were available to do so, and  
24 my guess is if somebody wasn't available to do  
25 so, then we wouldn't have been able to do that.

Page 42

1 Q Do you know if --

2 A We always look internally before we  
3 would talk about a temp if we can rearrange  
4 schedules.

5 Q Do you know if any efforts were made  
6 to rearrange schedules?

7 A I do not personally know, but that is  
8 our best practice, that is what we do.

9 Q Are you saying that's what you  
10 generally do if someone either needs leave or an  
11 accommodation?

12 A Yeah, we put the option out there to  
13 see if there's possibilities for others to cover,  
14 which they already all were taking turns trying  
15 to cover.

16 Q Well, were you aware that  
17 Mr. Torrence said nobody was covering, that he  
18 was doing it?

19 A I was aware he was covering the  
20 majority.

21 Q And I'd like to understand how temp  
22 employees work at Schneider. So does Schneider  
23 use temp employees from time to time to cover for  
24 office positions?

25 A Yes.

Page 43

1 Q Do you know, and I understand that  
2 you may not, but do you know if there is any  
3 documentation of any efforts made to get other  
4 APMs to cover for Ms. Geter?

5 A I don't -- I don't have that  
6 information.

7 Q Can you tell me if you know, and,  
8 again, I understand you may not, why no efforts  
9 were made to bring a temp in sooner so that they  
10 would be trained?

11 A Because we believed Ms. Geter would  
12 be back to work full duty on February 14th and  
13 then again on March 20th, and we were expecting  
14 her to be back to work.

15 (Whereupon a document was identified as  
16 Exhibit 22.)

17 BY MS. LEGARE:

18 Q If you will look at Exhibit 22.

19 A Okay.

20 Q Have you seen Exhibit 22 before?

21 A I don't recall this one.

22 Q So fair to say you did not draft that  
23 letter; correct?

24 A No.

25 Q Do you recall any -- when you spoke

Page 44

1 with Ms. Biskey Rose and Mr. Torrence, do you  
2 recall in that conversation discussing  
3 Ms. Geter's request to work from home at all?

4 A No. Our conversation was about being  
5 able to continue to accommodate through June.

6 Q Okay. Do you know why the area  
7 planning managers were relocated from, assuming  
8 not only Fairburn, but other locations to Green  
9 Bay?

10 A Yes. So it was a centralized  
11 approach we took. We've done it in other areas.  
12 It's been successful. We had a new software  
13 called IMD that we use, and all of the resources  
14 that help update and work in that system are  
15 located here. The collaboration that's needed  
16 between customer service is here, as well as a  
17 lot of the network leadership is here.

18 So to be able to streamline and band  
19 our dispatching system as well as our team, we  
20 needed to have it centralized.

21 Q So some of the job duties of the area  
22 planning manager or one of the job duties  
23 includes working with customer service personnel;  
24 right?

25 A Correct.

Page 45

1 Q And the customer service personnel is  
2 centralized in Green Bay?

3 A Correct.

4 Q And when you say some of the  
5 leadership is in Green Bay, what kind of  
6 leadership are you talking about?

7 A Our network directors, which would be  
8 the dotted line to the APM were located in Green  
9 Bay.

10 Q So did APMs when they were throughout  
11 the country have a dotted line to the network  
12 directors in Green Bay or has that changed?

13 A When they were in the field, they  
14 would then partner with -- they wouldn't have a  
15 dotted line to the directors. The operation  
16 directors would have that partnership with the  
17 network directors because the area planning  
18 managers reported up through operations at that  
19 point, which was another group that the APMs have  
20 to collaborate with.

21 Q Got it. And the operations people  
22 remained in the field; right?

23 A Correct.

24 MS. LEGARE: That's all I have, Pete.  
25 That's all I have, Ms. Janssen.



Exhibit

0004

Job Description

# MANAGER, AREA PLANNING

**TYPE OF ROLE:** Exempt (Salaried)

**DEPARTMENT(s):** Bulk, Dedicated, Intermodal, Van Truckload

**REPORTS TO:** Various

## JOB SUMMARY:

The Area Planning Manager is accountable for establishing, communicating and executing the plan for a specific geographic region or a specific customer by matching available driver capacity and equipment with customer load tenders. As the recognized expert on freight flows for that customer, the APM collaborates with Operations, Sales, Pricing, and Customer Service to ensure overall key factor success.

## ESSENTIAL JOB DUTIES AND RESPONSIBILITIES:

- Establish the market plan to include: shift direction, priority of freight, load and stage, driver calendar requests, etc. Continually assess market conditions and performance, and adjust plan accordingly.
- Be recognized expert in role. Provide expertise on new opportunities and proactively identify potential solutions that maximize overall value for Schneider.
- Assign freight to drivers in accordance with the market plan to maximize all aspects of the value triangle (profitability, customer satisfaction, and driver retention). All decisions also need to be made in accordance with Schneiders #1 core value: safety.
- Generate actions to improve key factor results such as: service, unused hours and unbilled miles.
- Communicate market plan to Customer Service, Operations, and support shift Transportation Planners.
- Be technical expert in dispatch utilization tools and analytical planning dashboards.
- Provide solicitation guidance to Customer Service and Inside Sales and make decisions on load acceptance (including unique situations or same day requests).
- Establish priority and direction for trailer assignment, and assign trailers for dispatch.
- Set trailer plans with customer and proactively address poorly utilized trailers or inefficient trailer pools.
- Collaborate with CS and Operations to successfully onboard new customers (to include participation in start-up calls).
- Possess an intimate understanding of customers and unique needs.
- Identify root cause of poor service trends and collaborate with Operations and Customer Service to develop action plans to restore service to desired levels.
- Coach CS, Operations, Box associates, and Transportation Planners on opportunities for key factor improvement in market (i.e. load creation or appointment guidance, driver availability direction, chronic customer or driver trends, etc.)
- Make spot pricing decisions, and provide recommendations to pricing managers on long-term pricing opportunities and market strength indicator based on observed market trends.
- Provide feedback to Pricing Managers / Sales / CS / MM on long-term challenges and opportunities in assigned market (i.e. flows needed for driver calendars, needed lanes, day of week variability, etc).
- This description is not an exhaustive or comprehensive list of all job responsibilities, tasks, and duties.

- Other duties and responsibilities may be assigned and the scope of the job may change as necessitated by business demands.
- Maintain regular and consistent attendance and timeliness.
- Exhibit behavior in alignment with our core values at all times.

**SPECIALIZED KNOWLEDGE:**

- Bachelors degree or equivalent work experience in a related field required
- 1-2 years of customer service, dispatch and/or operations experience

**EDUCATION LEVEL:** Bachelor or equivalent work experience

**EXPERIENCE:** 1-3 Years

**SKILLS/BEHAVIORS NECESSARY TO PERFORM JOB**

Abilities or qualities an associate must possess in order to perform the essential job duties - Listed by Core Competency

**COMMUNICATION**

Effective and efficient oral communication skills

Effective and efficient written communication skills

Ability to develop relationships through interpersonal skills

Effective listening skills

**DIVERSITY & INCLUSION/TEAM PLAYER**

Collaboration skills

Ability to work effectively in a team environment

**POSITIVE IMPACT**

Ability to positively impact others

Influencing skills, resulting in a positive outcome

Take initiative, a self-starter

Ability to work well in a fast paced, high pressure environment

**PROBLEM SOLVING & DECISION MAKING**

Problem solving skills

Decision making skills (make best value decisions)

Analytical skills

Strategic thinking skills

Ability to analyze various courses of action and make recommendations

Project Management skills

Sound judgement

## **RESULTS ORIENTATION**

Ability to manage multiple priorities and prioritize workload

## **FUNCTIONAL & TECHNICAL EXPERTISE**

Customer service skills

Ability to work independently with little supervision

## **OTHER**

- Strong financial and analytical skills. Able to identify a root cause from a subset of data and establish a relevant action plan to correct root cause of issue.
- Ability to evaluate a situation and create innovative, balanced solutions
- Strong work ethic.

**Generated:** 2019-03-14 05:07:20.641000

**Last Updated:** 2017-11-24 15:34:07

FAX TRANSMISSION COVER SHEET

DATE: 1/19/2019

TO: HR Lead

FAX: 920-403-8903

RE: Cierra Geter

SENDER: Dr. Cassandra Wanzo

YOU SHOULD RECEIVE PAGE(S), INCLUDING THIS COVER SHEET.

2

**RECEIVED**PRIO TO YOUR RETURN TO WORK  
By Anissa Gauthier at 7:00 am, Jan 21, 2019

Schneider

HR Leave Administration Team

P.O. Box 2545 Green Bay WI 54306-2545

FAX: 920-403-8903 Email: HRLeaveAdministrationTeam@Schneider.com

Associate Number \_\_\_\_\_

**ATTENDING PHYSICIAN'S RETURN TO WORK RECOMMENDATION****Physician Instructions:**

- > Please complete this form once the patient is released to work.
- > Only complete ONE section – Section I if "NO" restrictions OR Section II WITH restrictions.
- > Do NOT include diagnosis or confidential medical details.
- > Please call 920-592-4571 with any questions.

Patient's Name (First)

(Middle Initial)

(Last)

Cervra

C

Gefter

**Section I****OR****Section II**Patient is able to return to work without restrictions effective 3/20/19.

She remains unable to work full time because at N/A

[Redacted]

A

she will be able to work 10 hours a day (3) days per week.

Patient is able to return to work with restrictions effective 1/21/19, outlined below:

7 days/week Temporary

1. In a 24 hour day, patient may work an accumulative of:

**Stand / Walk:**

1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours

**Sit:** (No more than 11 hrs without a break)

1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours

**Operation of Heavy Machinery:**

(No more than 11 hrs without a break)

7 Hours or less  8-10 Hours  11-14 Hours

2. Patient is able to:

N/A	Frequently	Occasionally	Not at All
-----	------------	--------------	------------

Bend	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Squat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Twist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lift:			

Sedentary	10# max	<input type="checkbox"/>
Light / Heavy	20# max	<input type="checkbox"/>
Medium	50# max	<input type="checkbox"/>
Heavy	100# max	<input type="checkbox"/>

\*\*\*\*\* REQUIRED \*\*\*\*\*

Restrictions in effect until: 3/6/19

Is the patient taking any medications that could interfere with their ability to operate or work around heavy machinery?

YES  NO  N/A 

Is the patient experiencing any side effects which would interfere with their job or with moving around or operating heavy machinery?

YES  NO 

Explain if YES: \_\_\_\_\_

Physician's Name (Printed): Cassandra Wagoner MDPhysician's Signature: C. E. Lee MDPhysician's Phone Number: (920) 566-1440Date: 1/19/19FAX# (920) 566-1440

**From:** Janssen, Ashley  
**Sent:** Monday, December 17, 2018 1:33 PM  
**To:** Torrence, Travis  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Hello Travis

You can call her and let her know the leave team will be calling her and you also wanted to let her know you can accommodate her return to work for the 3 days and here are the 3 days she would be working. You will be in touch with her once her RTW info has been processed.

Thanks

Ashley

---

**From:** Torrence, Travis  
**Sent:** Monday, December 17, 2018 1:31 PM  
**To:** Janssen, Ashley <JanssenA@schneider.com>  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Should I communicate with her what days that will be or will the HR Leave team do that when they notify her that we will accommodate the restrictions?

Thanks,

Travis Torrence  
Operations Team Leader  
Schneider National, Inc.  
[www.schneider.com](http://www.schneider.com)



---

**From:** Janssen, Ashley  
**Sent:** Monday, December 17, 2018 2:00 PM  
**To:** Torrence, Travis <[TorrenceT@schneider.com](mailto:TorrenceT@schneider.com)>; HR Leave Administration Team <[HRLeaveAdministrationTeam@schneider.com](mailto:HRLeaveAdministrationTeam@schneider.com)>  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Yes, because it does not specify below.

---

**From:** Torrence, Travis  
**Sent:** Monday, December 17, 2018 12:57 PM  
**To:** HR Leave Administration Team <[HRLeaveAdministrationTeam@schneider.com](mailto:HRLeaveAdministrationTeam@schneider.com)>  
**Cc:** Janssen, Ashley <[JanssenA@schneider.com](mailto:JanssenA@schneider.com)>  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Good Morning,

Exhibit  
31

We're able to accommodate the restrictions outlined below.

Ashley, am I able to decide which three days Cierra works under these restrictions?

Thanks,

Travis Torrence  
Operations Team Leader  
Schneider National, Inc.  
[www.schneider.com](http://www.schneider.com)



---

**From:** HR Leave Administration Team  
**Sent:** Monday, December 17, 2018 8:47 AM  
**To:** Torrence, Travis <[TorrenceT@schneider.com](mailto:TorrenceT@schneider.com)>  
**Cc:** Janssen, Ashley <[JanssenA@schneider.com](mailto:JanssenA@schneider.com)>; HR Leave Administration Team <[HRLeaveAdministrationTeam@schneider.com](mailto:HRLeaveAdministrationTeam@schneider.com)>  
**Subject:** RTW with restrictions partial return - Cierra Geter

Good morning,

We received the below RTW form for Cierra Geter. She is able to return to work on 1/2/2019 working 3 days per week 10 hour days through 2/13/2019.

Are you able to accommodate these restrictions?

Patient's Name (First)

Cierra

(Middle Initial)

C

(Last)

Geter

**Section I****OR****Section II**Patient is able to return to work without  
restrictions effective 2/14/19Patient is able to return to work with restrictions  
effective 2/19, outlined below:X 3 days / week Ten hours day  
1. In a 24 hour day, patient may work an accumulative of:

N/A Stand / Walk:

 1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours

N/A Sit: (No more than 11 hrs without a break)

 1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours**Operation of Heavy Machinery:**

(No more than 11 hrs without a break)

N/A  7 Hours or less  8-10 Hours  11-14 Hours

2. Patient is able to:

N/A

Frequently      Occasionally      Not at All

Bend                                                      Squat                                                      Climb                                                      Twist                                                      Reach                                                      

Lift:

Sedentary                                    10# maxLight / Heavy                                    20# maxMedium                                    50# maxHeavy                                    100# max

\*\*\*\*\* REQUIRED \*\*\*\*\*

**Restrictions in effect until:** 2/13/19Is the patient experiencing any side effects  
which would interfere with their job or withComments: She will be  
able to work three  
days per weekTen hours a dayeffective 2/19Is the patient taking any medications that could  
interfere with their ability to operate or work  
around heavy machinery?

HR Leave Administration Team - Anissa

Schneider [www.schneider.com](http://www.schneider.com)

PH: 920-592-4571 or 800-558-6701 x592-4571

FAX: 920-403-8903

mail stop: US.GRB.01.03.21

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**From:** Janssen, Ashley  
**Sent:** Monday, January 21, 2019 10:32 AM  
**To:** Torrence, Travis  
**Cc:** Horton, Doug  
**Subject:** FW: RTW with restrictions partial return - Cierra Geter

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thoughts on the below?

---

**From:** Gauthier, Anissa  
**Sent:** Monday, January 21, 2019 7:04 AM  
**To:** Janssen, Ashley <[JanssenA@schneider.com](mailto:JanssenA@schneider.com)>; Torrence, Travis <[TorrenceT@schneider.com](mailto:TorrenceT@schneider.com)>; HR Leave Administration Team <[HRLeaveAdministrationTeam@schneider.com](mailto:HRLeaveAdministrationTeam@schneider.com)>  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Good morning ,

We received an updated return to work form that indicates a continuation of light duty 3 days per week through 3/19/2019.

Are you able to continue to accommodate this schedule?

Please advise.

Thanks,

**HR Leave Administration Team - Anissa**  
**Schneider** [www.schneider.com](http://www.schneider.com)  
**PH:** 920-592-4571 or 800-558-6701 x592-4571  
**FAX:** 920-403-8903  
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---

**From:** Torrence, Travis  
**Sent:** Monday, December 17, 2018 12:57 PM  
**To:** HR Leave Administration Team  
**Cc:** Janssen, Ashley  
**Subject:** RE: RTW with restrictions partial return - Cierra Geter

Good Morning,

**Exhibit**  
32

We're able to accommodate the restrictions outlined below.

Ashley, am I able to decide which three days Cierra works under these restrictions?

Thanks,

Travis Torrence  
Operations Team Leader  
Schneider National, Inc.  
[www.schneider.com](http://www.schneider.com)



---

**From:** HR Leave Administration Team  
**Sent:** Monday, December 17, 2018 8:47 AM  
**To:** Torrence, Travis <[TorrenceT@schneider.com](mailto:TorrenceT@schneider.com)>  
**Cc:** Janssen, Ashley <[JanssenA@schneider.com](mailto:JanssenA@schneider.com)>; HR Leave Administration Team <[HRLeaveAdministrationTeam@schneider.com](mailto:HRLeaveAdministrationTeam@schneider.com)>  
**Subject:** RTW with restrictions partial return - Cierra Geter

Good morning,

We received the below RTW form for Cierra Geter. She is able to return to work on 1/2/2019 working 3 days per week 10 hour days through 2/13/2019.

Are you able to accommodate these restrictions?

Patient's Name (First)

Cierra

(Middle Initial)

(Last)

C Geter

**Section I****OR****Section II**Patient is able to return to work without  
restrictions effective 2/14/19.Patient is able to return to work with restrictions  
effective 2/19, outlined below:\* 3 days / week Ten hours day  
1. In a 24 hour day, patient may work an accumulative of:

N. A Stand / Walk:

 1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours

N. A Sit: (No more than 11 hrs without a break)

 1-4 Hours  5-8 Hours  9-12 Hours  13+ Hours**Operation of Heavy Machinery:**

(No more than 11 hrs without a break)

N. A  7 Hours or less  8-10 Hours  11-14 Hours

2. Patient is able to:

N. A

Frequently      Occasionally      Not at All

Bend                                                      Squat                                                      Climb                                                      Twist                                                      Reach                                                      

Lift:

Sedentary                                    10# maxLight / Heavy                                    20# maxMedium                                    50# maxHeavy                                    100# max

\*\*\*\*\* REQUIRED \*\*\*\*\*

**Restrictions in effect until:** 2/13/19Is the patient experiencing any side effects  
which would interfere with their job or withComments: She will be  
able to work three  
days per week  
Ten hours a day  
effective 2/19Is the patient taking any medications that could  
interfere with their ability to operate or work  
around heavy machinery?

HR Leave Administration Team - Anissa

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**From:** Torrence, Travis <TorrenceT@schneider.com>  
**Sent:** Friday, March 22, 2019 9:18 AM  
**To:** Janssen, Ashley  
**Subject:** FW: Anything new on Cierra since we spoke Monday?

On Monday Anissa said that Cierra's doctor wanted to extend the three-day restriction.

She set up a call for us to discuss since we don't typically accommodate a restriction like that beyond 90 days. Anissa was going to speak to Cierra's doctor and see if there as truly a need for the 3 day restriction or if Cierra would be able to work a 4th day a different day of the week temporarily (Tuesday-Friday schedule – currently "She does have medical appointments every Monday morning which would not allow her to work the Sunday night shift" from Anissa on 1/28) or if a 5 day schedule would work.

Thanks,

Travis Torrence  
Operations Team Leader  
Schneider National, Inc.  
[www.schneider.com](http://www.schneider.com)



---

**From:** Torrence, Travis  
**Sent:** Wednesday, March 20, 2019 7:58 AM  
**To:** Gauthier, Anissa <GauthierA@Schneider.Com>; Janssen, Ashley <JanssenA@schneider.com>; Biskey Rose, Marianne <Rosem@schneider.com>  
**Subject:** Anything new on Cierra since we spoke Monday?

Get [Outlook for iOS](#)

Exhibit  
34



Deposition of:  
**Tiffany Kitchens**

*April 19, 2021*

In the Matter of:  
**Geter, Cierra v. Schneider National  
Carriers Inc.**

Veritext Legal Solutions  
800.808.4958 | [calendar-atl@veritext.com](mailto:calendar-atl@veritext.com) | 770.343.9696

Page 6

1 Q Are you still employed with Schneider  
2 National Carriers?

3 A I am.

4 Q What's your current position?

5 A My current position is called a senior  
6 operations specialist.

7 Q And how long have you had that position?

8 A Since -- I want to say it was around March  
9 or April of 2020. I want to say it was April of  
10 2020. It was one of the two, so about a year.

11 Q Who do you report to?

12 A I report to Rodney Dunn.

13 Q What are your job duties as a senior  
14 operations specialist?

15 A Answering the phone, checking driver  
16 messages, basically just processing any issues or  
17 obstacles for the driver to get them moving about  
18 their day, communicating a great deal with the  
19 planners and whomever is needed, the box team,  
20 functions like that. Basically just to keep  
21 transportation going.

22 Q When did you start with Schneider?

23 A Originally I started with Schneider in  
24 2005.

25 Q And did you leave for a period of time?

Page 8

1 still -- even though it's still an area planning  
2 manager, same position, it's just for different  
3 shifts, you know.

4 Q Were you basically filling in holes in the  
5 schedule?

6 A Essentially, yes.

7 Q Let me ask you this: When you were  
8 working support shift, is it possible that you could  
9 work two or more different shifts in a week?

10 A Yes. You would have a primary schedule.  
11 If we had gaps in coverage, they would ask us to  
12 work to fill in, but I wasn't on first shift when I  
13 initially came back.

14 Q Does Schneider still have a support shift?

15 A Yes, we do. It may be called something  
16 different now. The responsibilities are still  
17 pretty similar.

18 Q Did you change from support shift to a  
19 different shift at any point after you came back in  
20 2014?

21 A Yes, in 2016.

22 Q And what did you change to?

23 A What was that?

24 Q What shift did you change to at that  
25 point?

Page 9

1           A     I went from second shift to first shift,  
2 and my schedule was essentially Monday through  
3 Friday. When I went to first shift, it went to  
4 Monday through Friday. I believe it was seven to  
5 four.

6           Q     When you moved to first shift?

7           A     Yes.

8           Q     What was your schedule when you were on  
9 second shift?

10          A     When I was on second shift initially for  
11 the first two years -- I'm trying to remember what I  
12 had. I think it was Friday through Tuesday, and I  
13 would start my day probably either two or three and  
14 then work eight to nine hours -- nine hours with the  
15 lunch factored in.

16           I mean, since we were salary, that's the  
17 base schedule. I'm going to elaborate. That's the  
18 base schedule, but we're required to finish our work  
19 obviously. If we had something running behind or we  
20 had a meeting, it could run longer than that.

21          Q     Understood.

22          A     That's the only caveat I would add.

23          Q     Who did you report to on second shift?

24          A     When I initially came back, that would be  
25 Greg Cochran.

Page 10

1 Q And he left after some period of time,  
2 right?

3 A He did.

4 Q And then who did you report to?

5 A The only two leaders I have had since I  
6 returned in 2014 was Greg Cochran initially, and  
7 then when I went to first shift, it's been Rodney  
8 Dunn since, and that was in 2016, I believe around  
9 this time. It would either be April -- it was by  
10 the summer for sure.

11 Q And I understand in 2020 that the area  
12 planning manager position itself was moved to Green  
13 Bay?

14 A Correct.

15 Q What position were you holding at the time  
16 that happened?

17 A I was an area planning manager. They had  
18 changed it to another title once again. It's not  
19 initially the same thing, and then it moved to Green  
20 Bay.

21 Q Were you offered the opportunity to move  
22 to Green Bay at that time?

23 A I was.

24 Q And you turned that down?

25 A I did, because of my mother.

Page 11

1 Q And then was it after that that you were  
2 then offered a different position?

3 A Correct.

4 Q Tell me how that came about.

5 A So we knew that the role was going away.  
6 I think management was still waiting to hear at that  
7 time how many positions they were going to have or  
8 be approved for, so how many fleet manager -- that's  
9 what it used to be called. So it sounds confusing.  
10 It's now called a DTL, so driver team leader, but  
11 it's essentially the fleet manager role. They were  
12 trying to figure out how many of those positions we  
13 were going to get in the office, and then how many  
14 of senior operations specialist positions we were  
15 going to be approved for.

16 So I found out -- I was offered the  
17 position pretty close to the end of that window  
18 where my job -- where they said, okay, this is the  
19 deadline. Your current position is going to be  
20 moved to Green Bay, and by that time, you know,  
21 either we'll offer you a position or essentially let  
22 you go. So basically I was just presented kind of  
23 towards the end very close to that window, okay,  
24 this is the positions that we have. I was only  
25 offered senior operations specialist, and I took it

Page 12

1 because it was around the time of Covid. It had  
2 just started.

3 Q Right. And I understand that people  
4 either agreed to move to Green Bay.

5 A Yeah.

6 Q Were offered other positions or were -- if  
7 there were not enough positions, then they were let  
8 go and got a severance; is that right?

9 A Correct.

10 MR. MILIANTI: Object to the form.

11 BY MS. LEGARE:

12 Q By any chance do you know what the  
13 severance was going to be if they hadn't been able  
14 to find a new position for you?

15 A They gave me a number. I cannot remember  
16 what that number was.

17 Q Got it. But they did find you a position,  
18 and you stayed as a senior operations specialist,  
19 right?

20 A Correct.

21 Q And you've had that position since?

22 A Yes, ma'am.

23 Q And I think what I have heard in a couple  
24 of the depositions is when Covid hit you started  
25 working from home in March of last year full time,

Page 13

1 right?

2 A For the most part. We had -- let me see.

3 I'm trying to remember. So -- can you repeat the  
4 question just so I'm.

5 Q Yeah. The way I understand -- and maybe  
6 it's different for your position, but the way that I  
7 understood from Mr. Torrance and another witness was  
8 that in the beginning of Covid you all worked from  
9 home full time, then partway through Covid you began  
10 working from home part of the week, and now as of  
11 last March --

12 A Back full time.

13 Q Right?

14 A That's correct, yes.

15 Q Let's go -- I want to rewind a little bit  
16 and talk about the reason. Ms. Geter has identified  
17 you as someone who worked a reduced schedule for a  
18 period of time in 2018. Is that true?

19 A Can you define reduced schedule?

20 Q Less than 40 hours a week.

21 A No.

22 Q So you were full time?

23 A I was full time. I had a period of leave  
24 initially where I was out of work for I believe it  
25 was three weeks.

Page 14

1 Q Okay.

2 A FMLA was approved. All that was taken  
3 care of, and then I returned -- I think that was the  
4 end of July it started, and I came back the  
5 beginning of August, but that wasn't the exact  
6 dates.

7 Q That's fine.

8 A And then in -- when was it? The end of  
9 October of that year my mother had a very severe  
10 stroke and ended up in ICU at Emory in Atlanta for a  
11 very long period of time. But during that time I  
12 was working -- I was working remotely from the  
13 hospital, but I didn't -- I was working full time.

14 Q Were you working Monday through Friday  
15 during that time?

16 A Yes.

17 Q And how long were you working remotely  
18 from the hospital?

19 A I honestly don't know. It was in my FMLA  
20 that I had filed for just to, you know, cover me to  
21 help with mother. She ended up staying in there a  
22 lot longer -- she kept having setbacks, so she ended  
23 up staying in there a lot longer than the doctors  
24 originally projected, even though it was pretty bad.

25 Q And I'm sorry that I even have to ask

Page 15

1 these questions, but was it a few weeks, was it a  
2 few months?

3 A It was months where she was in there, in  
4 ICU, and she was back and forth between being  
5 intubated and not, and we almost lost her several  
6 times, so it was kind of -- and they had issues with  
7 the shunt that they put in her skull.

8 Q That's terrible. I'm sorry.

9 A That's okay. Not my favorite thing to  
10 relive, but we will do it.

11 Q During that time you had permission  
12 from -- would it have been from Mr. Dunn to work  
13 remotely?

14 A Yes. I would run it by Mr. Dunn, Rodney,  
15 and then I filed paperwork with HR in Green Bay for  
16 that.

17 Q Now, so you were approved for FMLA during  
18 that time, but you were actually not using your  
19 FMLA; you were working?

20 A Yes. I was approved for it when we  
21 thought that maybe she would get out, and I would  
22 have to care for her.

23 Q Right.

24 A Because my dad can't do it all himself.  
25 They're both senior boomers, so he can't do it, and

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1 he needed a break.

2 Q So you were approved for intermittent FMLA  
3 because you thought you were going to assist with  
4 her care at home.

5 A Correct. And that ended up never  
6 occurring. And, in fact, I want to say -- now, this  
7 is a guesstimation. I want to say she was in ICU  
8 for probably four months-ish, and then after that  
9 she moved to a long-term care facility, so it was  
10 quite an extensive period of time.

11 Q And when she moved to a long-term care  
12 facility, did you continue to work remotely?

13 A No.

14 Q You came back to the office at that point?

15 A I did.

16 Q And because she was in long-term care, did  
17 you need to use your intermittent FMLA at all at  
18 that point?

19 A No. Anytime that I would know that I  
20 would have to be out of work, I would just use  
21 vacation since I had that available. But I was  
22 not -- it was not a reduced schedule.

23 Q And that would have only happened if you  
24 had to care for her at home?

25 A Correct.

April 19, 2021  
Page 17

1 Q And my understanding is that with respect  
2 to work from home that Schneider is relatively  
3 flexible on that issue if there's emergencies. You  
4 get permission from your supervisor?

5 A Correct.

6 Q Do you have to take it up the chain at  
7 all, or is it your direct manager who makes the  
8 decision?

9 A It's typically direct leader unless he's  
10 out, and then I would go up the chain of command to  
11 his leader.

12 Q Have you worked with any temporary  
13 employees at Schneider either while you were an area  
14 planning manager or now that you're an SOS?

15 A Any temporary?

16 Q Yeah.

17 A Yes.

18 Q Can you tell me how often that has  
19 happened?

20 A Just for periods of time especially when  
21 we're doing system updates. Now, this is over the  
22 course of 14 years cumulatively. So over that  
23 period of time or do you just want me to talk about  
24 since I came back in 2014?

25 Q How about just more recently, maybe in the

Page 18

1 last four or five years.

2 A I don't remember all the particulars  
3 around why we added temporary staffing, even though,  
4 I mean, I know there was really good reason. We  
5 obviously needed the assistance, but we actually  
6 have -- I'll use this person as an example. We  
7 actually have an employee now that was a temporary  
8 employee that ended up being made a long-term --  
9 full-time employee with the company.

10 Q And as an SOS I think you said you work  
11 with the area planning managers now?

12 A I do.

13 Q Are the area planning managers working,  
14 the ones who are based in Green Bay, are they doing  
15 a lot of the job duties that you did when you were  
16 an area planning manager in Fairburn?

17 MR. MILIANTI: Object to the form.

18 THE WITNESS: It's different now. So  
19 they're completely removed from, like, driver  
20 functions now: Meeting with the drivers,  
21 talking to the drivers. None of that is  
22 something that occurs now, but before it did.

23 BY MS. LEGARE:

24 Q Who is responsible for those duties now?

25 A It's a combination of the driver team

April 19, 2021  
Page 20

1 that would be a function that fell under them at the  
2 time. Now it's pretty much just whoever is  
3 available. If you get a driver on the phone, you  
4 find him a truck, so that's one of the things that's  
5 changed.

6 Q And I also understand there's a printer  
7 that they need to print their paperwork on that was  
8 locked up?

9 A At the time, yes.

10 Q It's not locked up anymore?

11 A No. Since Covid we have moved it into the  
12 drivers' lounge where the drivers have access to,  
13 and we can print remotely from wherever we are.

14 Q Could you have printed remotely prior to  
15 Covid?

16 A I assume we could. I don't know all the  
17 technical things behind it, but I would think that  
18 we could have moved the printer.

19 Q For the time that you were working  
20 remotely, did you ever have to assist with any of  
21 that?

22 A What do you mean?

23 Q Like printing documents for drivers.

24 A For the most part at the time, on first  
25 shift the planners really weren't so much into the

April 19, 2021

Page 21

1 phones, so if we were on the phone, if we had to  
2 help out, if we were, say, short-handed and we got a  
3 driver on the phone, if I didn't have anyone to  
4 transfer them to I would go ahead and do it for  
5 them, but it wasn't a normal function at the time.

6 Q But it was something you could do remotely  
7 if you had to?

8 A Correct.

9 Q I have a couple of questions about the  
10 support shift. So if an employee called out sick or  
11 if an area planning manager called out sick, for  
12 example, is that something a support shift would  
13 cover, or was it planned absences that you covered  
14 for?

15 A A mixture. So can you repeat the question  
16 just so I give you the best answer I can?

17 Q Yeah. So it seems like what you said, and  
18 if I've got it wrong tell me. But I think you said  
19 support shift you'd have kind of a set schedule, but  
20 you'd also be the fill-in person on second and third  
21 shift and weekends?

22 A Well, they would ask us if we were  
23 available to work. It wasn't like a mandatory  
24 thing, but it wouldn't be completely uncommon if we  
25 were really short-handed or had an emergency come up

April 19, 2021

Page 27

1 Q And you understood that as an APM you were  
2 expected to work at least 40 hours a week; is that  
3 right?

4 A Yes.

5 Q And in the 2018-2019 time period, you  
6 worked the first shift as an APM; is that correct?

7 A Correct.

8 Q And I think you testified your schedule  
9 was Monday through Friday; is that right?

10 A That is correct.

11 Q And during that time period of 2018 to  
12 2019, what time would you start and finish your day  
13 on average?

14 A So that's where it gets -- sometimes I  
15 would do planning from the house. I worked a lot.  
16 My schedule would have been either seven to four or  
17 six to three, something like that, but I worked a  
18 lot. Sometimes I would log in, you know, if I  
19 couldn't get the planning done I had to go and  
20 finish the planning for the morning, whatever was  
21 needed.

22 Q Understood. And when you worked as an APM  
23 in the 2018-2019 time period on the first shift, you  
24 worked with other APMs; is that correct?

25 A That is correct.

Page 28

1 Q Did you ever work alone as an APM on the  
2 first shift during the 2018 through 2019 time  
3 period?

4 A No.

5 Q During the 2018-2019 time period, did you  
6 ever work with other APMs who worked a part-time  
7 schedule?

8 A APMs?

9 Q Yes.

10 A No.

11 Q And as an APM in the 2018-2019 time  
12 period, just so the record is clear, you never  
13 reported to Travis Torrance; is that correct?

14 A No, I never reported to Travis.

15 Q During Ms. Geter's deposition, she claimed  
16 that in July and August -- July or August of 2018  
17 you started working a reduced schedule, and she  
18 believes you were working three or four days per  
19 week. Is her testimony accurate?

20 A In July?

21 Q Starting in July or August of 2018,  
22 Ms. Geter testified you started working a reduced  
23 schedule of three or four days per week. Is that  
24 testimony accurate?

25 A No.



Deposition of:  
**Sarah Kopf**

*April 19, 2021*

In the Matter of:

**Geter, Cierra v. Schneider National  
Carriers Inc.**

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1 Schneider about the issues in Ms. Geter's case  
2 outside the presence of your lawyer?

3 A No, ma'am.

4 Q And you understand that you're under oath  
5 today just as if we were in court?

6 A Yes, ma'am.

7 Q All right. How long have you been  
8 employed with Schneider?

9 A Three years and a little over a month. My  
10 three-year anniversary was March 5th.

11 Q So does that mean you started in 2018?

12 A Yes, ma'am.

13 Q What was your first position with  
14 Schneider?

15 A I was an area planning manager for second  
16 shift.

17 Q When you were hired and began working for  
18 Schneider, who did you report to on second shift?

19 A Travis Torrance.

20 Q And how long did you hold the second shift  
21 area planning manager position?

22 A I held that for just about exactly two  
23 years when I became a driver team leader on  
24 March 8th of last year, of 2020.

25 Q What's the difference -- at a high level,

1 not in a lot of detail -- but between an area  
2 planning manager position and a driver team lead  
3 position?

4 A Area planning manager we route the drivers  
5 with pickups and deliveries, help with any questions  
6 regarding loads between us and customer service.  
7 Driver team lead we manage their pay, their  
8 regulatory safety. It's more of a managerial, like  
9 a supervisor position.

10 Q You actually supervise drivers now?

11 A Yes.

12 Q Okay. Were you always on second shift as  
13 an area planning manager?

14 A I did from time to time cover a third  
15 shift, and for one week I did cover a first shift.

16 Q Would you cover third shift if people were  
17 out?

18 A Yes, ma'am.

19 Q What days of the week did you work on  
20 second shift?

21 A My schedule was Friday through Tuesday and  
22 off Wednesday, Thursday.

23 Q How many area planning managers were  
24 scheduled on second shift at a time?

25 A We had -- when I first started it was me

1 and one other area planning manager during second  
2 shift. Later there was a third area planning  
3 manager hired, so it usually -- consistently there  
4 was two area planning managers on the second shift.

5 Q When was the third person brought on?

6 A I don't recall the exact date. I would  
7 say I was there at least a year after he came on  
8 board.

9 Q Prior to the third person coming on, there  
10 would have been days during the week that you worked  
11 alone, right?

12 A Yes, after a certain period of me working  
13 there.

14 Q Tell me about how it is that you came to  
15 take the driver team lead position.

16 A I was there for two years. I had voiced  
17 interest to my manager that I would be interested,  
18 and that would be my next role in my career with  
19 Schneider. And I had -- my predecessor, Shannon,  
20 she had given me information that she was going to a  
21 different position with Schneider, and she wanted to  
22 recommend me for the job.

23 Q What's Shannon's last name?

24 A Bailey.

25 Q Was she at the Fairburn facility too?

April 19, 2021

Page 9

1 A Yes, ma'am.

2 Q And did she work on second shift with you?

3 A No, she worked first shift, the same days  
4 though, Friday through Tuesday.

5 Q As an area planning manager and then she  
6 took a different position?

7 A No. She started out as a temp, I believe.  
8 I don't know the exact position, but then she became  
9 a driver team lead.

10 Q And I understand in March of 2020 or  
11 sometime around there all the area planning managers  
12 were being transferred to Green Bay; is that right?

13 A Yes, the position was being transferred to  
14 Green Bay.

15 Q Were you offered a position in Green Bay  
16 before you took a driver team lead position?

17 A No.

18 Q Were you a driver team lead -- did your  
19 promotion to driver team lead happen before the area  
20 planning managers were moved?

21 A It was right about the same time. I knew  
22 about the position -- I knew about the position  
23 opening after we found out the positions were moving  
24 up to Green Bay.

25 Q I understand at least one person

Page 11

1 Q And then was it after that that you were  
2 then offered a different position?

3 A Correct.

4 Q Tell me how that came about.

5 A So we knew that the role was going away.  
6 I think management was still waiting to hear at that  
7 time how many positions they were going to have or  
8 be approved for, so how many fleet manager -- that's  
9 what it used to be called. So it sounds confusing.  
10 It's now called a DTL, so driver team leader, but  
11 it's essentially the fleet manager role. They were  
12 trying to figure out how many of those positions we  
13 were going to get in the office, and then how many  
14 of senior operations specialist positions we were  
15 going to be approved for.

16 So I found out -- I was offered the  
17 position pretty close to the end of that window  
18 where my job -- where they said, okay, this is the  
19 deadline. Your current position is going to be  
20 moved to Green Bay, and by that time, you know,  
21 either we'll offer you a position or essentially let  
22 you go. So basically I was just presented kind of  
23 towards the end very close to that window, okay,  
24 this is the positions that we have. I was only  
25 offered senior operations specialist, and I took it

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Page 12

1 because it was around the time of Covid. It had  
2 just started.

3 Q Right. And I understand that people  
4 either agreed to move to Green Bay.

5 A Yeah.

6 Q Were offered other positions or were -- if  
7 there were not enough positions, then they were let  
8 go and got a severance; is that right?

9 A Correct.

10 MR. MILIANTI: Object to the form.

11 BY MS. LEGARE:

12 Q By any chance do you know what the  
13 severance was going to be if they hadn't been able  
14 to find a new position for you?

15 A They gave me a number. I cannot remember  
16 what that number was.

17 Q Got it. But they did find you a position,  
18 and you stayed as a senior operations specialist,  
19 right?

20 A Correct.

21 Q And you've had that position since?

22 A Yes, ma'am.

23 Q And I think what I have heard in a couple  
24 of the depositions is when Covid hit you started  
25 working from home in March of last year full time,

Page 13

1 right?

2 A For the most part. We had -- let me see.

3 I'm trying to remember. So -- can you repeat the  
4 question just so I'm.

5 Q Yeah. The way I understand -- and maybe  
6 it's different for your position, but the way that I  
7 understood from Mr. Torrance and another witness was  
8 that in the beginning of Covid you all worked from  
9 home full time, then partway through Covid you began  
10 working from home part of the week, and now as of  
11 last March --

12 A Back full time.

13 Q Right?

14 A That's correct, yes.

15 Q Let's go -- I want to rewind a little bit  
16 and talk about the reason. Ms. Geter has identified  
17 you as someone who worked a reduced schedule for a  
18 period of time in 2018. Is that true?

19 A Can you define reduced schedule?

20 Q Less than 40 hours a week.

21 A No.

22 Q So you were full time?

23 A I was full time. I had a period of leave  
24 initially where I was out of work for I believe it  
25 was three weeks.

April 19, 2021  
Page 14

1 performed?

2 A The only -- well, because I work with  
3 first-shift planners now, and I'm on first shift.  
4 As far as when I was on second shift, I had to  
5 answer phone calls and messages from drivers. I  
6 don't know if they have to do the same on second  
7 shift with second-shift planners. I know first  
8 shift is different. Area planning managers did not  
9 have to do that on first shift as well.

10 Q So they never had to do that in your  
11 experience?

12 A Right.

13 Q On first shift?

14 A Correct. Second shift it was part of the  
15 job to answer phone calls and messages. I don't  
16 know if they have to do that now.

17 Q With respect to the duties that you had  
18 other than answering the phone call, based on your  
19 observations still working with the drivers, are the  
20 duties that you performed as an area planning  
21 manager still being performed by the area planning  
22 managers that you work with?

23 A Yes.

24 Q They're just happening remotely from Green  
25 Bay?

April 19, 2021  
Page 15

1 A Yes.

2 Q So let's switch to Covid. Have you been  
3 working from home during Covid?

4 A Yes, ma'am.

5 Q Full time or do you go into the office  
6 from time to time?

7 A When Covid first happened, it was full  
8 time. Then it was we split up our five days that we  
9 worked a week, so we would work three days at home,  
10 two days in the office. Then when things started to  
11 open up a little bit more, now we just recently came  
12 back full time in the office.

13 Q Do you recall when you came back full time  
14 to the office?

15 A Full time March 15th.

16 Q So almost a year?

17 A Yes.

18 Q I think you said it was full time at first  
19 from home?

20 A Yes.

21 Q Then three days at home and two days in  
22 the office?

23 A Yes, ma'am.

24 Q Was that so you didn't have overlap?

25 A Yes, ma'am, less people in the office.

April 19, 2021  
Page 16

1 Q And now full time back at the office?

2 A Yes, ma'am.

3 Q Do you still have the ability to work from  
4 home, for example, if you had a family emergency?

5 A Yes, ma'am.

6 Q Who would have to approve that now?  
7 Travis?

8 A Travis, yes, ma'am.

9 Q How did you learn that Ms. Geter had been  
10 terminated?

11 A I was working second shift the night she  
12 was terminated.

13 Q Were you present at the time she was  
14 terminated?

15 A Yes, ma'am.

16 Q Did you witness her termination?

17 A They went into an office, a separate  
18 office. I didn't witness it directly.

19 Q When Ms. Geter left that night, did you  
20 talk to her at all?

21 A When she had come out, she had, you know,  
22 told me what had happened, and she was visibly  
23 upset. After that she'd gone home. We didn't talk  
24 later that night. I just knew what had happened.

25 Q So she talked to you about it before she

April 19, 2021  
Page 24

1 that correct?

2 A Yes.

3 Q Okay. You also testified that you believe  
4 that Tiffany Kitchens had a reduced schedule; is  
5 that correct?

6 A I believe she did. I don't know the  
7 details. I don't know what days, what times.

8 Q Okay. Do you have any personal knowledge  
9 as to Ms. Tiffany Kitchens' schedule?

10 A Right now or?

11 Q I'm sorry. During the time period that  
12 she was an APM and you believe that she was out of  
13 the office, do you have any personal knowledge as to  
14 any time off that she had or any reduced schedule  
15 that she may have worked?

16 A I don't know the details of the reduced  
17 schedule.

18 Q Okay. Give me one second, please.

19 MR. MILIANTI: That's all the questions I  
20 have. Thank you, Sarah.

21  
22 RECROSS-EXAMINATION

23 BY MS. LEGARE:

24 Q I have just a few. So where are the extra  
25 keys for the drivers kept now?

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1 A They're in the same place. They're in the  
2 communications room in a lock box. It's like a  
3 little metal box that it's in.

4 Q So how do the drivers have access to them  
5 now that the APMs are in Green Bay?

6 A We have the positions of the SOS, other  
7 associates as well as other driver team leads that  
8 are in the office.

9 Q Were driver team leads and SOSS in the  
10 office prior to Covid?

11 A We did not have the position of SOS. They  
12 were previously -- I think the position was called  
13 an IOS or APMs, and, yes, they were in the office.

14 Q What was IOS?

15 A Intermodal operating specialist.

16 Q And SOS is what?

17 A Senior operating specialist.

18 Q And the intermodal operating specialist  
19 would have been in the office and able to assist  
20 drivers to get keys pre-Covid?

21 A Yes.

22 Q And driver team leads could also assist  
23 drivers in getting keys pre-Covid?

24 A Yes, ma'am.

25 Q Is that also true with respect to access

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1 to the printer?

2 A Yes.

3 Q And is it fair to say that the company's  
4 not worried about APMs having face time with drivers  
5 since they moved all the APMs to Green Bay?

6 MR. MILIANTI: Object to the form of the  
7 question.

8 BY MS. LEGARE:

9 Q You can answer.

10 A I don't know.

11 Q I mean, the company chose to move all the  
12 APMs to providing their services remotely from Green  
13 Bay, right?

14 A Correct.

15 Q And I forgot to ask you. You said that  
16 you covered third shift sometimes. Did you cover  
17 any of the Sundays that Cierra was out when she came  
18 back from leave?

19 A I don't recall exact days, but I do know  
20 when I did cover she wasn't there.

21 Q And once a third person was hired on  
22 second shift, did that mean that you never had to  
23 work alone on a shift?

24 A No. Saturdays usually the system would go  
25 down at ten, and I would be there from five to ten

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1 by myself.

2 Q Even when you had three APMs on the shift?

3 A It would be -- there was the first APM  
4 that was there before me she left the company. Then  
5 it was down to me and Austin. So for a time period,  
6 yes, there were three, and then it was down to two  
7 again.

8 Q During the time you were an APM, were  
9 temps ever brought in to work as an APM, temporary  
10 employees?

11 A Yes.

12 Q How often would you say that happened?

13 A We had one temp come in. She worked for a  
14 while as a temp. I want to say a little over a  
15 year, and then we had an intern as well that came in  
16 that did duties as an APM as well as an IOS.

17 Q Do you remember when that was?

18 A I don't recall exact dates.

19 Q Do you know who they were covering for as  
20 a temporary employee?

21 A I don't know if they were necessarily  
22 covering for anyone.

23 Q Got it. And would it be a true statement  
24 that since the drivers expect that there are people  
25 in the office to answer questions for them that now